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The Law Relating to Public Libraries in England and Wales

BEING THE TEXT OF THE PRINCIPAL ACTS AND SUBSIDIARY LEGISLATION, WITH ANNOTATIONS AND NOTES, TOGETHER WITH AN INDEX

BY

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WITH A FOREWORD BY HIS HONOUR JUDGE SIR ALFRED TOBIN, K.C.

1930

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FOREWORD

I gladly undertake the pleasant task of writing a Foreword to Mr. Hewitt's book on the Law relating to Public Libraries. Such a work has long been needed. The Law upon the subject is contained in an Act of Parliament passed in 1892 and in four subsequent Statutes. It is also affected to some extent by various Statutory Rules and Orders and by the Rating and Valuation Act of 1925.

In 1927 an extremely interesting and valuable Report of a Departmental Committee appointed by the President of the Board of Education was published. In that Report the members of the Committee strongly urged that legislative sanction should be given without delay to their recommendations as to the vital necessity of combination and co-operation, and many other important matters relating to Public Libraries. As these recommendations have not yet received the attention of Parliament, it would be well that those who administer Public Libraries should appreciate not only the existing law, but also the suggested alterations therein.

I do not propose to discuss the matters so clearly set out in this book—I prefer to emphasise the following points :

(1) That the subject is of real importance;
(2) That public interest therein is increasing rapidly;
(3) That the provision of Public Libraries is vital to the people; and
(4) That, as a consequence, the status of Librarians has been greatly enhanced within the last few years.

The 1927 Report, to which I have already referred, contains the following statement :—

> "The public libraries in the great cities, and in many urban areas of medium size, have developed notably during the last generation, and have established themselves as an indispensable element in the life of the community. They provide information essential for the progress of commerce and industry; they make research possible in every department of intellectual life; they aid solitary students in their

investigations; they provide relaxation and refreshment for every class of the population. They are administered by men who, working often with little public encouragement, with very limited means, and with scanty personal remuneration, have by their enthusiasm built up a great organisation, and have created a demand by furnishing a supply. There was a time when the public response to these efforts was disappointing; but that time is passing away. The public interest in libraries has greatly increased, and we believe there is now a far healthier belief in the value of knowledge, and in the importance of intellectual life, in all the busy centres of national activity, than in any previous period of our history. In such centres the public library is no longer regarded as a means of providing casual recreation of an innocent but somewhat unimportant character; it is recognised as an engine of great potentialities for national welfare, and as the essential foundation for the progress in education and culture without which no people can hold its own in the struggle for existence. All that we have to say as to the means by which the urban libraries can be strengthened and made yet more efficient is based upon our recognition of the existence of a large number of active libraries, and on our belief that the public appreciation of their importance is steadily growing."

The fact must not be overlooked that particular Classes need Special Libraries. Consider the pressing requirements of those who work in large commercial centres; of those who are employed in our manufacturing towns; of those who are engaged in Research Work connected with Science, Medicine, Law, Theology or Architecture; of the villagers in agricultural areas; of those "that go down to the sea in ships"; and, lastly, of those who are afflicted with blindness. Already there are a few large Commercial Libraries; notably in the Guildhall of the City of London, and in Liverpool, Manchester, Birmingham and Leeds.

There are also important Technical Collections at Coventry, Leeds, and Newcastle-upon-Tyne, and there is a valuable

Mining Collection at Wigan. These, however, are all too few; more are sorely needed, especially by those interested in Agriculture, Textiles and Engineering.

The spread of education has created a demand by the people for more Public Libraries. As a result there has been a great development in the provision of the facilities required.

But Libraries demand Librarians. Year by year it is increasingly recognised that Librarians are Members of a learned profession. The office of a Librarian demands not merely a liberal education and wide culture, but also the ability to give wise guidance in the selection of books to those who seek advice. Just as a Teacher is trained, so must a Librarian be trained. The Universities and the Library Association have recently done much to raise the status of Librarians to a level comparable with that of the Teaching Staff.

To Mr. Arthur R. Hewitt the preparation of this work has been a labour of love; he knows his subject; he has made it clear; he has shown what Parliament has enacted; he has pointed out what the High Court has said when interpreting the Statutes; and he has given a complete statement of the law up to date.

His book should prove of real value to Librarians, to Local Authorities charged with the administration of Public Libraries, and to Parliamentary Draughtsmen when alterations in the Law are under consideration.

ALFRED TOBIN.

April, 1930.

PREFACE

This book is intended as a handbook for the use of Librarians, Local Authorities and others responsible for the administration of libraries as well as a guide for the use of students of library law. It was decided to undertake the compilation of this work after reading the chapter on library law in the Government Report on Public Libraries in England and Wales, 1927,* in which the difficulties of consultation of the various Acts are freely admitted, one phrase in particular standing out from the rest, viz. : " Each successive Act has effected modifications or repeals in earlier Acts, and important provisions have found their way into an obscure Statutory Rule and Order, so that it is a matter of great difficulty to find out, except after considerable research, the precise state of the law in regard to many matters of importance." It is hoped that this work will fill the want implied by this statement; the statutes themselves, together with all the Statutory Rules and Orders and other legislation, have been reprinted with annotations and notes, the repeals being clearly indicated by the use of italic type, so that the law as shown here is the law in force at the time of going to press. The law relating to museums has also been included. It is also hoped that the information may be of use to parliamentary draughtsmen when the task of consolidating the law on the subject is undertaken—a measure which is already overdue.

Very few cases on library law have been decided by the High Court, and it has been thought necessary to select only a few of the more important decisions, as this book is intended to be purely a statement of statutory law.

In some instances Acts, not included in the work (*e.g.*, the Land Clauses Consolidation Acts), are mentioned in the principal Acts and subsidiary legislation, and for these reference should be made to the Public General Acts, issued annually, or the latest edition of the Statutes Revised, both published by Authority. All the most recent legislation has been included, and, still further to increase the utility of the work, the law governing the supply of books to certain libraries under the Copyright Acts has also been

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* Command paper, No. Cmd. 2868, 1927 (H.M.S.O.).

incorporated. In each part of the book a chronological arrangement has been adopted so as to avoid the splitting up of the statutes. The bibliography of library law at the end of the book comprises only textbooks dealing with the subject; papers in the various professional and other journals are not included.

The Author desires to express his sincere thanks to His Honour Judge Sir Alfred Tobin, K.C., for so kindly consenting to write a Foreword. His thanks are also due to Mr. H. A. C. Sturgess, Librarian and Keeper of the Records of the Middle Temple, and to Mr. F. Seymour Smith, A.L.A., Deputy Librarian of the Hornsey Public Libraries, for much encouragement and assistance, and many helpful suggestions.

ARTHUR R. HEWITT.

Middle Temple,

April, 1930.

TABLES OF STATUTES, STATUTORY RULES AND ORDERS, AND CASES CITED

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Abbreviations.

A.C. Law Reports Appeal Cases.
Ch. „ „ Chancery Division.
L.G.R. Knight's Local Government Reports.
L.R.Q.B.D. / Q.B.D. } Law Reports, Queen's Bench Division.
T.L.R. "The Times" Law Reports.

Attorney-General *v.* Westminster City Corporation, [1924] 2 Ch. 416; 40 T.L.R. 711; 22 L.G.R. 506 ..... 13(3)

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NOTE ON REPEALS

Throughout the work statutes or parts of statutes repealed are indicated by the use of italics.

It should be remembered that where an Act, repealing in whole or in part an earlier Act, is itself repealed, the last repeal does not revive the original Act (Interpretation Act, 1889, 52 & 53 Vict. c. 63, s. 11).

PART I

THE PRINCIPAL ACTS

PUBLIC LIBRARIES ACT, 1892.

[55 & 56 Vict. Ch. 53.]

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An Act to consolidate and amend the Law relating to Public Libraries. [27th June 1892.]

Adoption of Act and Constitution of Library Authority.

EXTENT AND APPLICATION OF ACT.

1.—(1) This Act shall extend to every library district for which it is adopted.

(2) For the purposes of this Act and subject to the provisions thereof every urban district and every parish in England and Wales which is not within an urban district[1] shall be a library district.

(1) For London districts, see the London Government Act, 1899, s. 4, *post*, p. 84. For definition of "urban district," see s. 27, *post*.

(3) *This Act shall have effect as regards any parish which is partly within and partly without an urban district as if the part which is without the district were a separate parish, and the overseers for the parish shall be deemed for the purposes of this Act to be the overseers for that part.*[1]

LIMITATIONS ON EXPENDITURE FOR PURPOSES OF ACT.

2.—(1) *A rate or addition to a rate shall not be levied for the purposes of this Act for any one financial year*[2] *in any library district to an amount exceeding one penny in the pound.*

(2) *This Act may be adopted for any library district subject to a condition that the maximum rate or addition to a rate to be levied for the purposes of this Act in the district or in any defined portion of the district in any one financial year shall not exceed one halfpenny or shall not exceed three farthings in the pound, but such limitation if fixed at one halfpenny may be subsequently raised to three farthings, or altogther removed, or where it is for the time being fixed at three farthings may be removed.*[3]

PROCEEDINGS FOR ADOPTION OF ACT.

3.[4] *With respect to—*

(*a*) *the adoption of this Act for any library district ; and*

(*b*) *the fixing, raising, and removing of any limitation on the maximum rate to be levied for the purposes of this Act ; and*

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(1) Repealed, Local Government Act, 1894, s. 89 and 2nd sch., which was itself repealed by the Statute Law Revision Act, 1908; as to the repeal of repealing enactments, see note on p. 1, *ante*.

(2) The expression "financial year" means the period of twelve months for which the accounts of a library authority are made up (s. 27). As to this expression see also s. 10 of the Public Libraries Act, 1919, *post*, p. 43.

(3) Repealed, Public Libraries Act, 1919, s. 11 (2) and sch. As to limitation, see s. 4 and also footnote (2) to proviso of s. 1 of the Public Libraries Act, 1919, *post*, pp. 38, 40. Before the rate limitation was removed by the Act of 1919, the limit was extended for some localities by a local Act, *e.g.*, Coventry (see Coventry Corporation Act, 1911, ch. viii, s. 45).

(4) The whole of s. 3 is repealed, so far as relates to Urban districts, by the Public Libraries (Amend.) Act, 1893, s. 2 (2). It is also repealed by the Public Libraries Act, 1901, s. 14 and sch. so far as it is inconsistent with that Act. For adoption in rural districts, see s. 7 of the Local Government Act, 1894, *post*, p. 74; and in urban districts see s. 2 of the Act of 1893.

(*c*) *the ascertaining of the opinion of the voters with respect to any matter for which their consent is required under this Act ;*[1]

the following provisions shall have effect ; that is to say,

(1) *Any ten or more voters in the library district may address a requisition in writing to the authority hereafter in this section mentioned requiring that authority to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition :* [*Provided that where the library district is a municipal borough the requisition may be made by the council of the borough :*][2]

(2) *On receipt of the requisition the said authority shall proceed to ascertain by means of voting papers the opinion of the voters with respect to the said question or questions ; but the said authority shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition,* [*or with respect to any limitation of the rate other than the limitations specified in this Act :*][3]

(3) *The procedure for ascertaining the opinion of the voters shall be in accordance with the regulations contained in the First Schedule to this Act ; and those regulations shall have effect as if they were enacted in the body of this Act :*[2]

(4) *Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid voting papers, and where the majority of those answers are in favour of the adoption of this Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted :*

(5) *Where the opinion of the voters in any library district is ascertained upon the question as to the adoption of this Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertain-*

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(1) In the case of *R.* v. *Wimbledon Local Board*, (C.A.) L.R. 8 Q.B.D. 459, it was held that the ratepayers may demand a poll of the voters in the matter of adoption. This method of adoption is now, of course, obsolete (see note (1) to beginning of this section).

(2) The words " provided that " to " the borough " in brackets in subs. (2), and the whole of subs. (3), were repealed by the Statute Law Revision Act, 1908.

(3) The words " or with respect " to " in this Act " in brackets were repealed by the Public Libraries Act, 1919, ss. 1, 8, 11 (2) and sch.

ing the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the voting papers were collected :

(6) *The authority to ascertain the opinion of the voters for the purposes of this section shall be [in a municipal borough the mayor, and in any other urban district the chairman of the urban authority, and]*[1] *in a parish the overseers.*

ACT WHEN ADOPTED TO BE EXECUTED BY LIBRARY AUTHORITY.

4. This Act when adopted for any library district shall be carried into execution, if the library district is an urban district by the urban authority,[2] and, if it is a parish, by the commissioners appointed under this Act[3] ; and any such authority or commissioners executing this Act are hereinafter referred to as a " library authority."

CONSTITUTION OF COMMISSIONERS FOR EXECUTING ACT IN PARISH.

5.—(1) Where this Act is adopted for any parish the vestry[4] shall forthwith appoint not less than three or more than nine voters in the parish to be commissioners for carrying this Act into execution.[5]

(2) The commissioners shall be a body corporate by the name of " The Commissioners for Public Libraries and Museums for the parish of , in the county of ," and shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes of this Act, without any licence in mortmain.

ROTATION OF COMMISSIONERS.

6.—(1) The commissioners shall, as soon as conveniently may be after their appointment, divide themselves by

(1) The words " in a municipal borough " to " urban authority, and " in brackets were repealed by the Statute Law Revision Act, 1908.
(2) For definition of " urban authority," see s. 27, *post*.
(3) The Library Authority in a parish is now the parish council, see Local Government Act, 1894, s. 7, *post*, p. 74, or if there is no parish council the parish meeting may appoint commissioners.
(4) Parish meeting.
(5) For qualification of Commissioners, see Local Government Act, 1894, s. 46, *post*, p. 77, and the Public Libraries Act, 1901, s. 2, *post*, p. 31.

agreement, or in default of agreement by ballot, into three classes, one third or as nearly as may be one third of them being in each class.

(2) The offices of the first class shall be vacated at the expiration of one year, the offices of the second class at the expiration of two years, and the offices of the third class at the expiration of three years from the time of their appointment.

(3) The offices of vacating commissioners shall be filled by an equal number of new commissioners to be appointed by the vestry from among the voters in the parish; and every newly elected commissioner shall hold his office for the term of three years from the date when the office became vacant, and no longer, unless re-elected; but a person, on ceasing to be a commissioner, shall, unless disqualified, be re-eligible.

(4) Any casual vacancy among the commissioners, whether arising by death, resignation, incapacity, or otherwise, shall as soon as may be after the occurrence thereof be filled up by the vestry[1]; but the term of office of a commissioner appointed to fill up a casual vacancy shall expire at the date at which the term of office of the commissioner in whose place he is appointed would have expired.

MEETINGS OF COMMISSIONERS.

7. The commissioners shall meet at least once in every month, and at such other times as they think fit, at some convenient place; and any one commissioner may summon a special meeting by giving three clear days' notice in writing to each commissioner, specifying therein the purpose for which the meeting is called. Business shall not be transacted at any meeting of the commissioners unless at least two of them are present.

PROCEEDINGS OF COMMISSIONERS TO BE RECORDED.

8. All orders and proceedings of the commissioners shall be entered in books to be kept for that purpose, and shall be signed by the commissioners or any two of them; and all

(1) Parish meeting or council.

such orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of all such orders and proceedings upon any judicial proceeding.

POWER TO VESTRIES OF NEIGHBOURING PARISHES TO COMBINE.

9.—(1) Where this Act is adopted for any two or more neighbouring parishes, the vestries[1] of those parishes may by agreement combine for any period in carrying this Act into execution[2], and the expenses of carrying this Act into execution shall be defrayed by the parishes in such proportions as may be agreed on by the vestries.[3]

(2) The vestry[1] of each of the said parishes shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so appointed for the several parishes shall form one body of commissioners and shall act accordingly in the execution of this Act.

POWER TO ANNEX PARISH TO ADJOINING DISTRICT.

10. Where the voters in a parish adjoining or near any library district for which either this Act has been adopted, or the adoption thereof is contemplated, consent to such parish being annexed to the said district, such parish, subject to the consent of the library authority of the said district being also given, shall be annexed to and form part of that district for the purposes of this Act; the vestry of such parish shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so from time to time appointed shall during their respective terms of office be deemed for all the purposes of this Act to be members of the library authority of the said district.[4]

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(1) Parish meeting or council.
(2) As to termination of agreement, see s. 24, *post*.
(3) As to combination by Urban districts, see the Public Libraries Act, 1893, s. 4, *post*, p. 27. See also s. 5 of the Public Libraries Act, 1901, *post*, p. 32.
(4) The financial provisions governing this section are contained in s. 18 (3), *post*.

Execution of Act.

PROVISION OF LIBRARIES, MUSEUMS, AND SCHOOLS OF SCIENCE AND ART.

11.—(1) The library authority of any library district for which this Act has been adopted may, subject to the provisions of this Act, provide all or any of the following institutions, namely, public libraries, public museums, *schools for science*,[1] art galleries, and *schools for art*,[1] and for that purpose may purchase and hire land, and erect, take down, rebuild, alter, repair, and extend buildings, and fit up, furnish, and supply the same with all requisite furniture, fittings, and conveniences.

(2) Where any of the institutions mentioned in this section has been established either before or after the passing of this Act by any library authority under this Act or the Acts hereby repealed, that authority may establish in connexion therewith any other of the said institutions without further proceedings being taken with respect to the adoption of this Act.

(3) No charge shall be made for admission to a library or museum[2] provided under this Act for any library district, or, in the case of a lending library, for the use thereof by the inhabitants of the district; but the library authority, if they think fit, may grant the use of a lending library to persons not being inhabitants of the district, either gratuitously or for payment.

PROVISION AS TO ACQUISITION AND DISPOSAL OF LAND.

12.—(1) For the purpose of the purchase of land under this Act by a library authority the Lands Clauses Acts,[3] with the exception of the provisions relating to the purchase of land otherwise than by agreement, shall be incorporated with this Act.[4]

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(1) Power to provide schools for Science or for Art repealed, without prejudice to existing schools, by s. 8 of the Public Libraries Act, 1919, *post*, p. 42.

(2) See also the Museums and Gymnasiums Act, 1891, *post*, p. 68.

(3) Viz., Lands Clauses Consolidation Act, 1845; Lands Clauses Consolidation Act Amendment Act, 1860; Lands Clauses Consolidation Act, 1869; Lands Clauses (Umpire) Act, 1883; and the Lands Clauses (Taxation of Costs) Act, 1895. The Lands Clauses Acts were materially affected by the Law of Property Amendment Acts of 1925.

(4) Certain Library Authorities may be authorised to purchase land compulsorily, see s. 6 of the Public Libraries Act, 1919, *post*, p. 42.

(2) The library authority of any library district which is an urban district may with the sanction of the *Local Government Board* [Ministry of Health][1] appropriate for the purposes of this Act any land which is vested in that authority.

(3) A library authority may with the sanction of the *Local Government Board* [Board of Education][2] sell any land vested in them for the purposes of this Act, or exchange any such land for other land better adapted for those purposes, and the money arising from the sale or received by way of equality of exchange, shall be applied in or towards the purchase of other land better adapted for the said purposes, or may be applied for any purpose for which capital money may be applied, and which is approved by the *Local Government Board* [Board of Education].[2]

(4) A library authority may let a house or building, or any part thereof, or any land vested in them for the purposes of the Act, which is not at the time of such letting required for those purposes, and shall apply the rents and profits thereof for the purposes of this Act.[3]

POWER TO GRANT CHARITY LAND FOR PURPOSES OF THIS ACT.

13.—(1) Any person holding land for ecclesiastical, parochial, or charitable purposes may, subject as hereinafter provided, grant or convey, by way of gift, sale, or exchange, for any of the purposes of this Act any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2) Provided that—

(*a*) ecclesiastical property shall not be granted or conveyed for those purposes without the consent of the Ecclesiastical Commissioners; and

(*b*) parochial property shall not be so granted or conveyed *save by the board of guardians of the poor law union comprising the parish to which the property*

(1) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102.
(2) Now the Board of Education, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102, and S.R.O., 1920, No. 810, *post*, p. 103.
(3) A library authority may not use library premises for purposes other than that of a public library (see *Attorney-General* v. *Westminster City Corporation*, (C.A.) [1924] 2 Ch. 416).

belongs, or[1] without the consent of the *Local Government Board* [Ministry of Health];[2] and

(*c*) other charitable property shall not be so granted or conveyed without the consent of the Charity Commissioners; and

(*d*) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold; and

(*e*) land situated in the administrative county of London, or in any urban district containing according to the last published census for the time being over twenty thousand inhabitants, which is held on trusts to be preserved as an open space, or on trusts which prohibit building thereon, shall not be granted or conveyed for the purposes of this Act.

(3) Any land granted or conveyed to any library authority under this section may be held by that authority without any licence in mortmain.

VESTING OF PROPERTY IN LIBRARY AUTHORITY.

14. All land appropriated, purchased, or rented, and all other real and personal property presented to or purchased or acquired for any library, museum, art gallery, or school under this Act shall be vested in the library authority.

MANAGEMENT OF LIBRARIES, ETC. BY LIBRARY AUTHORITY OR COMMITTEE.

15.—(1) The general management, regulation, and control of every library, museum, art gallery, and school[3] provided under this Act shall be vested in and exercised by the library authority, and that authority may provide therein books, newspapers, maps, and specimens of art and science, and cause the same to be bound and repaired when necessary.

(2) The library authority may also appoint salaried officers and servants, and dismiss them, and make regula-

(1) Repealed as from the 1st April, 1930, by the Local Government Act, 1929, s. 137 and 12th sch. (part vii). By the Local Government Act, 1929, the functions of poor law authorities were transferred to the council of the county or county borough comprising the area for which the poor law authority acted.

(2) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102.

(3) Power to provide schools for science or for art repealed, without prejudice to existing schools, by s. 8 of the Public Libraries Act, 1919, *post*, p. 42.

tions[1] for the safety and use of every library, museum, gallery, and school under their control, and for the admission of the public thereto.

(3) Provided that a library authority being an urban authority may if they think fit appoint a committee and delegate to it all or any of their powers and duties under this section, and the said committee shall to the extent of such delegation be deemed to be the library authority.[2] Persons appointed to be members of the committee need not be members of the urban authority.[3]

POWER TO LIBRARY AUTHORITIES TO MAKE AGREEMENTS FOR USE OF LIBRARY.

16.—(1) *The commissioners separately appointed for any two or more parishes for which this Act has been adopted may with the consent of the voters in each of those parishes agree to share in such proportions and for such period as may be determined by the agreement the cost of the purchase, erection, repair, and maintenance of any library building situate in one of those parishes, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.*[4]

(2) The library authority of any library district may with the consent of the voters[5] in the district and of the *Charity Commissioners* [Board of Education][6] make the like agreement with the governing body of any library, established or maintained out of funds subject to the jurisdiction of the *Charity Commissioners*,[6] and situate in or near the library district, and, in case of inability, objection, or failure on the part of the governing body to enter into such agreement, the *Charity Commissioners*

(1) As to byelaws, see s. 3 of the Public Libraries Act, 1901. See also Public Health Act, 1875, ss. 182–186, *post*, p. 47. See also Museums and Gymnasiums Act, 1891, s. 7, *post*, p. 70. For set of Model Byelaws see p. 129, *post*.

(2) For Committees in Metropolitan boroughs, see London Government Act, 1899, s. 8, *post*, p. 85; for combined districts, see Public Libraries Amendment Act, 1893, s. 4, *post*, p. 27; and for county councils, see Public Libraries Act, 1919, s. 3 (1), *post*, p. 39.

(3) See also London Government Act, 1899, s. 8 (1), *post*, p. 85.

(4) S. 16 (1) was repealed by the Public Libraries Act, 1901, s. 14, and was re-enacted by s. 5 of that Act.

(5) The consent of the voters is now no longer required. See s. 2 (1) (ii) of the Act of 1893, *post*, p. 26.

(6) Certain powers were transferred to the Board of Education from the Charity Commissioners by the Board of Education (Powers) Order-in-Council, 1902, *post*, p. 101.

[Board of Education][1] may, if they think fit, become party to the agreement on behalf of the governing body.

(3) This section shall apply, with the necessary modifications, to a museum, school for science,[2] art gallery, or school for art[2] in like manner as to a library.

POWER TO LIBRARY AUTHORITY TO ACCEPT PARLIAMENTARY GRANT.

17. Where a library authority accepts a grant out of money provided by Parliament from the *Department of Science and Art* [Board of Education][3] towards the purchase of the site, or the erection, enlargement, or repair, of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the [Board of Education][3] and may execute any instruments required by [the Board] for carrying into effect those conditions, and upon payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same.[2]

Financial Positions.[4]

EXPENSES OF LIBRARY AUTHORITY HOW DEFRAYED.

18.—(1) The expenses incurred in a library district in and incidental to the execution of this Act,[5] including all

(1) Certain powers were transferred to the Board of Education from the Charity Commissioners by the Board of Education (Powers) Order-in-Council, 1902, *post*, p. 101.

(2) Power to provide schools for science or for art repealed, without prejudice to existing schools, by s. 8 of the Public Libraries Act, 1919, *post*, p. 42.

(3) Powers transferred from the Department of Science and Art by the Board of Education Act, 1899, s. 2.

(4) It might be here mentioned that public libraries are not exempt from the payment of rates (see *Liverpool Corporation* v. *West Derby Union*, (1905) 21 T.L.R. 469; 3 L.G.R. 647, etc.). It has been said that some library authorities avoid the payment of local rates, but it seems that there is no statutory authority for this.

(5) It is unlawful to include in these expenses the costs of any lectures which may be provided by the library authority, there being no statutory provision allowing such expenses to be incurred. Many library authorities overcome this difficulty by defraying such expenses out of monies received by way of fines or by the sale of books, etc., and in some cases the costs are met out of the borough fund, the auditors allowing such items, provided of course that they are not excessive. In some localities, the library authority is empowered under a local Act to provide lectures and make a charge for admission.

expenses in connexion with ascertaining the opinion of the voters in the district, may be defrayed,—

(*a*) where the library district is a municipal borough, out of the borough fund or borough rate, or a separate rate to be made, assessed, and levied in like manner as the borough rate; and

(*b*) where the library district is an urban district other than a borough, out of the rate applicable to the general expenses incurred in the execution of the Public Health Acts, or a separate rate to be made, assessed, and levied in like manner as the rate so applicable; *and*

(*c*) *where the library district is a parish, out of a rate to be raised with and as part of the poor rate, subject, however, to this qualification, that every person assessed to the poor rate in the said parish in respect of lands used as arable, meadow, or pasture ground only, or as woodlands or market gardens, or nursery grounds, shall be entitled to an allowance of two thirds of the sum assessed upon him in respect of those lands for the purposes of this Act.*[1]

(2) *Where the library district is a parish, and is not combined with any other parish for the execution of this Act, then—*

(i) *such amount only shall be raised out of a rate for the purposes of this Act as is from time to time sanctioned by the vestry of the parish; and*

(ii) *the vestry to be called for the purpose of sanctioning the amount shall be convened in the manner usual in the parish; and*

(iii) *the amount for the time being proposed to be raised for the purposes of this Act shall be expressed in the notice convening the vestry, and (if sanctioned) shall be paid according to the order of the vestry to such person as may be appointed by the library authority to receive it; and*

(1) Subsection (1) (c) repealed by the Rating and Valuation Act, 1925, ss. 2, 69 and 8th schedule, and by S.R.O., 1927, No. 90, *post*, pp. 97–99. As to how expenses in parishes may be defrayed, see Rating and Valuation Act, 1925, s. 2 (6), *post*, p. 97, and see also ss. 7 (6) and 11 of the Local Government Act, 1894, *post*, pp. 74–75.

(iv) *in the notices requiring the payment of the rate there shall be stated the proportion which the amount to be thereby raised for the purposes of this Act bears to the total amount of the rate.*[1]

(3) Where a parish or a part of a parish is annexed in pursuance of this Act[2] to any library district, so much of the said expenses as is chargeable to such parish or part shall be defrayed in like manner as if such parish or part were a separate library district, *but the sanction of the vestry shall not be required for raising the sums from time to time due from the parish for meeting those expenses.*[3]

BORROWING BY LIBRARY AUTHORITY.[4]

19.—(1) Every library authority, with the sanction of the *Local Government Board* [Ministry of Health][5] and in the case of a library authority being commissioners appointed for a parish, with the sanction also of the vestry[6] of such parish, may borrow money for the purposes of this Act on the security of any fund or rate applicable for those purposes.

(2) Sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875,[7] relating to borrowing by a local authority shall apply, with the necessary modifications, to all money borrowed by any library authority for the purposes of this Act, as if the library authority were an urban authority, and as if references to this Act were substituted in those sections

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(1) Subsection (2) repealed by the Public Libraries Act, 1901, s. 14 and schedule, *post*, p. 35. As to expenses in combined parishes, see s. 6 of the Act of 1901, which replaces subsection (2) and part of subsection (3) of the above Act.

(2) See s. 10, *ante*, p. 11.

(3) The words "but the sanction" to "those expenses" repealed by the Public Libraries Act, 1901, s. 14 and sch., *post*, p. 35. Sanction to raise sums was required in 1911 and every tenth year after; see s. 6 of the Act of 1901.

(4) The normal periods allowed for the purposes of repayment of loans are:—

For erection of buildings, including extensions and alterations	30 years.
For furniture and fittings	15 years.
For books	5 years.

The term "permanent works" when used with regard to libraries may be taken as meaning works appertaining to the structure of the buildings. It should be noted that loans are sanctioned for alterations.

(This information relating to the repayment of loans has been supplied by the courtesy of the Minister of Health.)

(5) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102.

(6) Now the parish meeting, see the Local Government Act, 1894, s. 7, *post*, p. 74.

(7) See *post*, p. 49.

and in the forms therein mentioned for references to the Public Health Act, 1875.

(3) The Public Works Loan Commissioners[1] may in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a library authority for the purposes of this Act.[2]

ACCOUNTS AUDIT.[3]

20.—(1) Separate accounts shall be kept of the receipts and expenditure under this Act of every library authority and their officers, and those accounts shall be audited in like manner and with the like incidents and consequences, in the case of a library authority being an urban authority, and of their officers, as the accounts of the receipts and expenditure of that authority and their officers under the Public Health Acts.[4]

(2) The accounts of the receipts and expenditure of a library authority being commissioners appointed under this Act, and of their officers, shall be audited yearly by a district auditor in like manner and with the like incidents and consequences as in the case of an audit under the Acts relating to the relief of the poor, and those commissioners shall be a local authority within the meaning of the District Auditors Act, 1879.[5]

(3) The accounts of the receipts and expenditure under this Act of any library authority other than the council of a municipal borough shall be open at all reasonable times to the inspection, free of charge, of any ratepayer in the library

(1) The Public Loan Commissioners is a body established by the Public Works Loans Act, 1875, the commissioners themselves being appointed, from time to time, by Act of Parliament (s. 4). This body has the power, at their discretion, to grant loans out of public money to local authorities for the purpose of various public works (s. 9). The commissioners, before advancing any money, require some security for repayment, usually a mortgage of property or of a rate or of both (s. 12).

(2) As to loans to county authorities, see s. 1 (3) of the Public Libraries Act, 1919, *post*, p. 37. Borrowing powers of parish councils are also controlled by the Local Government Act, 1894, ss. 11 and 12, *post*, p. 75.

(3) As to the audit of accounts, see also the following:—Public Health Act, 1875, ss. 245–250 (Urban and Rural Districts Councils), *post*, p. 53; District Auditors Act, 1879, *post*, p. 58; Municipal Corporations Act, 1882, ss. 25–28 (Municipal corporations), *post*, p. 63; Local Government Act, 1888, s. 71 (County Councils), *post*, p. 67; and the Local Government Act, 1894, s. 58 (District and Parish Councils), *post*, p. 81.

(4) See ss. 245 to 250 of the Public Health Act, 1875, *post*, p. 37.

(5) According to this Act, (s. 8), "local authority" means any person or body of persons who receive and expend any local rate, but does not include overseers of the poor, *post*, p. 61; (Overseers of the poor have now been abolished.)

district, and any such ratepayer may without charge make copies of and extracts from those accounts; and if any library authority or any person being a member thereof or employed by them and having the custody of the accounts fails to allow the accounts to be inspected, or copies or extracts to be made, as required by this section, such authority or person shall for each offence be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding five pounds.

Provisions affecting London only.

APPLICATION OF ACT TO CITY OF LONDON.

21.—(1) The city of London shall be a library district, and on this Act being adopted for the city, the common council[1] shall be the library authority.

(2) The opinion of the voters in the city of London with respect to any question under this Act shall be ascertained by the mayor on the requisition of the common council.

(3) The expenses incurred in the city of London in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters, shall be defrayed out of the consolidated rate levied by the *commissioners of sewers*,[2] or a separate rate to be made, assessed, and levied by those commissioners in like manner as the consolidated rate.

(4) *So much of this Act as limits the rate or addition to a rate to be levied in any library district for any one financial year to one penny in the pound shall not extend to the city of London.*[3]

POWER FOR DISTRICT IN LONDON TO ADOPT ACT.

22.[4] *Every district mentioned in Schedule B. to the Metropolis Management Act*, 1855, *as amended by any subsequent Acts*,

(1) The expression "Common Council" means in relation to the city of London, the mayor, the commonalty, and citizens, acting by the mayor, aldermen and commons in common council assembled (s. 27).

(2) Now the Common Council, see City of London Sewers Act, 1897 (60 & 61 Vict. ch. cxxxiii).

(3) Repealed by the Public Libraries Act, 1919, s. 11 (2) and sch., see *post*, p. 44.

(4) The whole of s. 22 was repealed by the London Government Act, 1899. As to adoption in metropolitan boroughs, see s. 4 of that Act, *post*, p. 84.

shall be a library district, and the provisions of this Act shall apply accordingly with the following modifications :—

(1) *The opinion of the voters in any such district with respect to any question under this Act shall be ascertained by the district board on the requisition in writing of any ten or more of such voters :*

(2) *The library authority for such district shall be commissioners appointed by the district board, and the provisions of this Act relating to commissioners appointed for a parish shall apply with the substitution of "district" for "parish" and of "district board" for "vestry" :*

(3) *The expenses incurred in any such district in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters, shall to such amount as is sanctioned by the district board be defrayed by that board in like manner as if they had been incurred for the general purposes of the Metropolis Management Act,* 1855, *and the sums from time to time required for defraying those expenses, to the extent so sanctioned, shall be paid by the district board to any person appointed by the commissioners to receive the same ; but nothing in this enactment shall enable a district board to levy for the purposes of this Act any greater sum in any financial year than the amount produced by a rate of one penny in the pound, or any less rate specially fixed for the purpose of this Act in the district :*

(4) *The enactments authorising two or more neighbouring parishes to combine in carrying this Act into execution shall have effect as if any such district were included in the term "parish" and the district board of such district in the term "vestry" :*

(5) *Where a parish in any such district has adopted the Acts hereby repealed or any of them, or hereafter adopts this Act, it shall be treated in all respects for the purposes of this Act as if it were outside the district, and, in particular,—*

(a) *a person shall not, by reason of being a voter in the parish, be accounted for the purposes of this section as a voter in the district ; and*

(b) *a representative of the parish on the district board shall not take part in any proceeding of the board under this section ; and*

(c) *the parish shall not be called on to contribute to the payment of any expenses incurred in pursuance of this section ; and*

(d) *any question of accounts arising between the parish and the other parishes in the district, or between the parish and the district, in consequence of this section, shall be decided finally by the Local Government Board.*

(6) *After the adoption of this Act for any such district, proceedings shall not, except with the sanction of the Local Government Board, be taken for the separate adoption thereof for any parish in the district.*[1]

POWER TO VESTRY OR DISTRICT BOARD IN LONDON TO APPROPRIATE LAND FOR LIBRARY, ETC.

23. The vestry or district board[2] constituted under the Metropolis Management Act, 1855, for any parish mentioned in Schedule A. or district mentioned in Schedule B. to that Act, as amended by any subsequent Acts, may, if this Act is in force in such parish or district, appropriate with the sanction of the *Local Government Board* [Ministry of Health][3] for the purposes of this Act any land which is vested in such vestry or board.

Supplemental Provisions.

ADJUSTMENT OF INTERESTS ON TERMINATION OF AGREEMENT.

24. Any agreement under this Act[4] between two or more vestries[5] or library authorities, or between a library authority and any other body, may provide that on the termination of the agreement an adjustment shall be made of the interests

(1) The whole of s. 22 was repealed by the London Government Act, 1899. As to adoption in metropolitan boroughs, see s. 4 of that Act, *post*, p. 84.
(2) Now a metropolitan borough council, see London Government Act, 1899, 4.
(3) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102. A library authority may purchase land compulsorily, see the Education Act, 1921, s. 111, and the Regulations thereunder, *post*, pp. 89-96.
(4) See ss. 9 and 16 of this Act.
(5) Parish meetings, see Local Government Act, 1894, s. 7, *post*, p. 74.

of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall on the application of any of the parties be made by an arbitrator appointed by the *Local Government Board* [Ministry of Health].[1]

SAVING FOR OXFORD.

25. Nothing in this Act shall interfere with the operation of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter one hundred and eight, so far as it relates to the collection of a rate for a public library in Oxford.[2]

CONSTITUTION AND PROCEEDINGS OF VESTRY FOR PURPOSES OF ACT.

26. For the purposes of this Act the vestry of a parish shall be any body of persons acting by virtue of any Act of Parliament as or instead of a vestry, and, where there is no such body, shall be the inhabitants of the parish in vestry assembled, but in the latter case the persons registered as county electors[3] in respect of the occupation of property situate in the parish, and no other persons, shall be members of the vestry.[4]

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(1) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (a), *post*, p. 102.

(2) The Act referred to is the Local Government Supplemental (No. 5) Act, 1865, and the section concerned is s. 22, as follows:—"From and after the expiration of three months next after the passing of this Act [the Royal Assent was given 5th July, 1865] the custody, care, and management of the Public Library in the City of Oxford shall be vested in the Local Board, in accordance with the provisions in that behalf of the Acts from time to time in force with respect to public libraries managed by Local Boards for the purpose of their districts; and all the expenses of and incident to the custody, care, and management thereof, and the adding to and maintaining of the same, shall from time to time be paid by the Local Board out of Monies raised by the General District Rate as if 'The Public Libraries Act, 1855,' had been duly adopted for the whole of the Oxford District as from time to time constituted, and the Public Library had been established thereunder; and if after discharging all debts and liabilities if any, relating thereto, there be any balance of the monies, before the expiration of the three months, assessed for the purposes thereof, the balance shall be paid to the Local Board, and be carried to their General District Fund; provided that the amount expended by the Local Board in any one year for the purpose of the Public Library shall not exceed the amount which might be raised by them by a rate for the purpose made under that Act."

(3) Now parochial electors, see s. 9 of the Public Libraries Act, 1901, *post*, p. 34.

(4) As to vestries, see also Local Government Act, 1894, s. 7, *post*, p. 74.

DEFINITIONS.

27. In this Act, unless the context otherwise requires,—

The expression " urban district " means a municipal borough, Improvement Act district, or local government district; and " urban authority " means, as regards each such district, the council, improvement commissioners, or local board :

The expression " financial year " means the period of twelve months for which the accounts of a library authority are made up :

The expression " voter " means a person who is registered as a county elector or enrolled as a burgess in respect of the occupation of property situate in the district or parish in connexion with which the voter is mentioned :[1]

The expression " overseers " includes any persons authorised and required to make and levy poor rates in a parish, and acting instead of overseers :

The expression " common council " means in relation to the city of London the mayor, commonalty, and citizens, acting by the mayor, aldermen, and commons in common council assembled.

REPEAL.

28.—(1) *The Acts mentioned in the Second Schedule to this Act shall be repealed as from the commencement of this Act, save so far as any of them extend beyond England and Wales ; and*[2] where those Acts have been adopted for any library district, that adoption shall be deemed to have been an adoption of this Act, and this Act shall apply accordingly.

(2) *For the purpose of this section the said Acts shall be deemed to have been adopted for any district in which they were in force immediately before the commencement of this Act.*[2]

SAVING AS TO LOCAL ACTS.

29. Nothing in this Act shall be deemed to limit, or to reduce or alter the limit of any rate which any library

(1) Repealed by the Public Libraries Act, 1901, s. 14 and sch. For definition of " voter " see s. 9 of that Act, *post*, p. 34. Voting powers are now vested in the urban authority, see s. 2 (1) (ii) of the Public Libraries (Amendment) Act, 1893, *post*, p. 26.

(2) Repealed by the Statute Law Revision Act, 1908. As to repeal of repealing enactments, see note on p. 1, *ante*.

authority is authorised to levy under or by virtue of any local Act.

COMMENCEMENT.

30. *This Act shall come into operation on the first day of October next after the passing thereof.*[1]

SHORT TITLE.

31. This Act may be cited as the Public Libraries Act, 1892.

SCHEDULES.

FIRST SCHEDULE.[2]

REGULATIONS FOR ASCERTAINING THE OPINION OF THE VOTERS IN A LIBRARY DISTRICT.

PART I.

Procedure by Voting Papers.

PART II.

Form of Voting Paper.

SECOND SCHEDULE.[3]

ACTS REPEALED.

18 & 19 Vict. c. 70. The Public Libraries Act, 1855.

29 & 30 Vict. c. 114. The Public Libraries Amendment Act (England and Scotland), 1866.

34 & 35 Vict. c. 71. The Public Libraries Act, 1855, Amendment Act, 1871.

47 & 48 Vict. c. 37. The Public Libraries Act, 1884.

50 & 51 Vict. c. 22. The Public Libraries Acts Amendment Act, 1887.

52 & 53 Vict. c. 9. The Public Libraries Acts Amendment Act, 1889.

53 & 54 Vict. c. 68. The Public Libraries Acts Amendment Act, 1890.

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(1) Repealed by the Statute Law Revision Act, 1908.
(2) The first schedule was repealed in so far as it applied to "Parishes" by the Local Government Act, 1894, s. 89, and 2nd sch. It was completely repealed by the Public Libraries Act, 1901, s. 14 and sch.
(3) The second schedule was repealed by the Statute Law Revision Act, 1908. As to repeal of repealing enactments, see note on p. 1, *ante*.

Public Libraries (Amendment) Act, 1893.

[56 Vict. Ch. 11.]

An Act to amend the Public Libraries Act, 1892.[1]

[9th June 1893.]

SHORT TITLE.

1. This Act may be cited as the Public Libraries (Amendment) Act, 1893, and shall be construed as one with the Public Libraries Act, 1892 (in this Act referred to as the principal Act), *and these two Acts may be together cited as the Public Libraries Acts*, 1892 *and* 1893.[2]

MODIFICATION AS TO ADOPTION, ETC. IN URBAN DISTRICTS.

2.—(1) Where a library district is an urban district[3]—

(i.) The principal Act may, *subject to the conditions contained in the second section of that Act*, be adopted, *and the limitation of the maximum rate to be levied for the purposes of that Act may within the limits fixed by that Act be fixed, raised, or removed*, by a resolution of the urban authority under this Act[4];

(ii.) The consent of the urban authority given by a resolution of that authority under this Act shall be substituted in an urban district for the consent of the voters in any case when the consent of the voters is required under the principal Act.

(2) *Section three of the principal Act is hereby repealed, so far as it relates to an urban district.*[5]

PROVISION AS TO A RESOLUTION OF AN URBAN AUTHORITY FOR THE ADOPTION, ETC. OF THE PRINCIPAL ACT.

3.—(1) *A resolution under this Act shall be passed at a meeting of the urban authority, and one month at least before the meeting special notice of the meeting and of the intention to*

(1) Extended to London by the Public Libraries Act, 1901, s. 13, *post*, p. 35.
(2) Repealed by the Statute Law Revision Act, 1908.
(3) As to the expression "urban district," when extended to London, see s. 13 of the Public Libraries Act, 1901, *post*, p. 35.
(4) S. 2 (1) (i) was repealed in part by the Public Libraries Act, 1919, s. 11 (2) and sch., and now reads: "(i) The principal Act may . . . be adopted . . . by a resolution of the urban authority under this Act."
(5) S. 2 (2) was repealed by the Statute Law Revision Act, 1908. The whole of s. 3 of the principal Act here referred to was repealed by the Public Libraries Act, 1919, s. 7, see *ante*, p. 7, and *post*, p. 42.

propose the resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(a) *given in the mode in which notices to attend meetings of the authority are usually given ; or*

(b) *where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last-known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last-known place of abode in England.*

(2) *The resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at a time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix.*

(3) *A copy of the resolution shall be sent to the Local Government Board.*

(4) *A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown ; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.*[1]

POWER TO TWO OR MORE LIBRARY AUTHORITIES TO COMBINE.

4.—(1) Where the principal Act is adopted for two or more neighbouring urban districts[2], the library authorities of those districts may by agreement combine for any period for carrying the Act into execution; and the expenses of carrying the Act into execution shall be defrayed by such

(1) The whole of s. 3 was repealed by the Public Libraries Act, 1919, ss. 7, 11 (2), and sch., *post*, pp. 42 and 44.

(2) As to neighbouring parish, see ss. 9 and 10 of the principal Act, *ante*, p. 11.

authorities in such proportions as may be agreed on by them.[1]

(2) For the purposes of the Act a joint committee[2] may be formed, the members whereof shall be appointed by the several combining authorities in such proportions as may be agreed on, but need not be members of any of the combining authorities. Any such committee shall have such of the powers of a library authority under the principal Act, except the power of borrowing money,[3] as the combining authorities may agree to confer upon them.

(3) Where any of the combining authorities are improvement commissioners or a local board the provisions of the principal Act with respect to accounts and audit shall apply to such committee as if they were a local board who were a library authority under the Act.[4]

Libraries Offences Act, 1898.[5]

[61 & 62 Vict. Ch. 53.]

An Act to provide for the Punishment of Offences in Libraries. [12th August 1898.]

SHORT TITLE.

1. This Act may be cited as the Libraries Offences Act, 1898.

PENALTIES FOR OFFENCES.

2. Any person who, in any library or reading-room to which this Act applies, to the annoyance or disturbance of any person using the same,—

(1) behaves in a disorderly manner;

(2) uses violent, abusive, or obscene language;

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(1) As to combination, see also ss. 2 and 5 of the Public Libraries Act, 1919, *post*, pp. 38 and 41.

(2) See also s. 57 of the Local Government Act, 1894, *post*, p. 80.

(3) As to borrowing powers see s. 19 of the principal Act, and the footnote thereto, *ante*, p. 18.

(4) S. 20, *ante*, p. 19.

(5) Extended to any museum, art gallery or school provided under the principal Act by s. 4 of the Public Libraries Act, 1901, *post*, p. 32. As to the exclusion or removal from library buildings of persons committing any offence in contravention to this Act, see s. 3 (1) (c) of the 1901 Act. It is also an offence for a person suffering from an infectious disease to use any book from a public or circulating library; neither must a book be returned to any such library by a person who knows it to have been exposed to infection (see Public Health Acts Amendment Act, 1907, s. 59, *post*, p. 106).

(3) bets or gambles;

(4) or who, after proper warning, persists in remaining therein beyond the hours fixed for the closing of such library or reading-room,

shall be liable on summary conviction to a penalty not exceeding forty shillings.

APPLICATION OF ACT.

3. This Act shall apply—

(*a*) to any library under the Public Libraries Act, 1892[1]; and

(*b*) to any library or reading-room maintained by a Society registered under the Industrial and Provident Societies Act, 1893, or under the Friendly Societies Act, 1896, or by any registered Trade Union.

EXTENT OF ACT.

4. This Act shall not apply to Scotland or Ireland.[2]

Public Libraries Act, 1901.

[1 Ed. vii. Ch. 19.]

ARRANGEMENT OF SECTIONS.

Amendment of Public Libraries Acts, 1892 *and* 1893.

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(1) S. 11, *ante*, p. 12.

(2) This Act was applied to libraries in Ireland by the Public Libraries (Ireland) Act, 1902, s. 7.

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An Act to amend the Acts relating to Public Libraries, Museums, and Gymnasiums. *and to regulate the Liability of Managers of Libraries to Proceedings for Libel.*[1]

[17th August 1901.]

Amendment of Public Libraries Acts, 1892 and 1893.

SHORT TITLE AND CONSTRUCTION.

1. This Act may be cited as the Public Libraries Act, 1901, and shall be construed as one with the Public Libraries Act, 1892[2] (hereinafter referred to as the principal Act), and the Public Libraries (Amendment) Act, 1893,[3] and those Acts

(1) The words in italics were repealed by the Statute Law Revision Act, 1927. It will be seen that this Act contains nothing whatsoever relating to libel, but the Bill, when originally introduced in the House of Lords by Lord Windsor contained a clause to the effect that no person should be entitled to bring an action against any library authority for a libel contained in a book which might be on the shelves of a library. Objection was taken to this clause, and after a good deal of controversy it was omitted in committee, but, presumably in error, the title was left unchanged.

(2) See *ante*, p. 5.

(3) See *ante*, p. 26.

and this Act may be together cited as the Public Libraries Acts, 1892 to 1901.

QUALIFICATION OF LIBRARY COMMISSIONERS.

2.—(1) Any commissioners appointed for a library district under the principal Act[1] may be either voters in the district or persons who, though not voters, would, if the district were a rural parish having a parish council, be qualified for election as parish councillors.

(2) Section forty-six of the Local Government Act, 1894,[2] relating to disqualifications for election to or membership of certain authorities, shall have effect as if a library authority, being a body of commissioners appointed under the principal Act, were one of the authorities mentioned in that section.[3]

POWER TO LIBRARY AUTHORITY TO MAKE BYELAWS.[4]

3.—(1) A library authority may make byelaws for all or any of the following purposes relating to any library, museum, art gallery, or school,[5] which by virtue of the principal Act or this Act is under their control,[6] that is to say:

(*a*) for regulating the use of the same and of the contents thereof, and for protecting the same and the fittings, furniture, and contents thereof from injury,[7] destruction, or misuse;

(*b*) for requiring from any person using the same any guarantee or security against the loss of or injury to any book or other article;

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(1) S. 5, *ante*, p. 9.
(2) See p. 77, *post*.
(3) As to Commissioners, see also ss. 5 to 8 of the principal Act, *ante*, pp. 9-11.
(4) The Library Association have recently had under consideration a code of Rules and Regulations and also a draft code of Byelaws. These two Codes should prove invaluable, and they are re-printed, by permission, at pp. 125 and 129, *post*. Appendix B of the Government Report on Public Libraries (Cmd. 2868 of 1927, at p. 331) contains a set of "model byelaws usually issued by the Board of Education," this also should be of much assistance.
(5) Power to provide schools for science or for art repealed, without prejudice to existing schools, by s. 8 of the Public Libraries Act, 1919, *post*, p. 42.
(6) Library authorities were empowered, by s. 15 (2) of the principal Act, to make regulations; the above Act does not in anyway interfere with such power.
(7) See also Malicious Damage Act, 1861, s. 39, *post*, p. 105.

(c) for enabling the officers and servants of the library authority to exclude or remove therefrom persons committing any offence against the Libraries Offences Act, 1898,[1] or against the byelaws.

(2) All byelaws under this section shall be made subject and according to the provisions respecting byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875,[2] and those sections shall apply as if the expression "local authority" therein included in every case a library authority.[3]

(3) All offences and penalties under any such byelaw may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

EXTENSION OF 61 & 62 VICT. C. 63.

4. The Libraries Offences Act, 1898,[1] shall apply to any museum, art gallery, or school provided under the Public Libraries Act, 1892.[4]

POWER TO LIBRARY AUTHORITIES TO MAKE AGREEMENTS FOR USE OF LIBRARY.

5.[5]—(1) The library authorities of two or more library districts may agree to share, in such proportions and for such period as may be determined by the agreement, the cost of the purchase, erection, repair, and maintenance of any library building in one of those districts, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same, and may also agree as to the management and use of the library, and as to the interchange, hire, and use of books and newspapers belonging to such authorities respectively.[6]

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(1) *Ante*, p. 28.
(2) *Post*, p. 47.
(3) Byelaws must now be confirmed, or otherwise, by the Board of Education, see S.R. & O. 1920, No. 810, *post*, p. 103.
(4) Power to provide schools for Science or for Art repealed, without prejudice to existing schools, by s. 8 of the Public Libraries Act, 1919, *post*, p. 42.
(5) S. 5 replaces s. 16 (1) of the principal Act, which was repealed by s. 14 and sch. of this Act.
(6) As to combination, see also ss. 9 and 10 of the principal Act, *ante*, p. 11, and s. 4 of the Public Libraries Amendment Act, 1893, *ante*, p. 27. Agreements under the principal Act may be terminated on the adjustment of interests, see s. 24 of the principal Act.

(2) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art, in like manner as to a library.[1]

AMENDMENT OF 55 & 56 VICT. C. 53, S. 18, AS TO EXPENSES IN PARISHES.

6.[2] In a library district, being a parish, the sanction of the parish meeting or vestry shall not be required annually for raising the sums from time to time due from the parish for defraying the expenses incurred by the library authority, and those sums shall be paid by the overseers[3] on the order of the library authority. But in any parish in a rural district the sanction of the parish meeting shall be required in the year one thousand nine hundred and eleven, and in every tenth year thereafter: Provided that nothing in this section shall affect the operation of section eleven of the Local Government Act, 1894.[4]

APPLICATION OF 54 & 55 VICT. C. 22 TO MUSEUM PROVIDED UNDER PRINCIPAL ACT.

7. An urban authority for whose district the Museums and Gymnasiums Act, 1891,[5] has been adopted, either wholly or so far as it relates to museums only, may appropriate for the purposes of that Act a museum provided for the district under the principal Act, and thereupon the Museums and Gymnasiums Act, 1891,[5] shall apply to the museum, as if it were provided under that Act.

NOTICE TO [MINISTRY OF HEALTH].

8. On the adoption of the principal Act for any library district, the library authority shall forthwith give notice in writing of such adoption to the *Local Government Board* [Ministry of Health].[6] The library authority of every

(1) Power to provide schools for Science or for Art repealed, without prejudice to existing Schools, by s. 8 of the Public Libraries Act, 1919, *post*, p. 42.
(2) S. 6 replaces sub-s. (2) and part of sub-s. (3) of s. 18 of the principal Act, *ante*, p. 18.
(3) Now the rating authority; s. 9 (1) of the Rating and Valuation Act, 1925, reads: "As from the appointed day, any precept issued by the council of a county which under any enactment or order in force immediately before that day is required to be sent to a board of guardians and any precept which under any such enactment or order is required to be sent to overseers shall, instead of being so sent, be sent to the rating authority."
(4) See *post*, p. 75. (5) See *post*, p. 68.
(6) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102. Notice must also be given to the Board of Education, see S.R.O. 1920, No. 810, *post*, p. 103.

district in which the Act has already been adopted shall give the like notice within three months after the passing of this Act.

DEFINITION OF "VOTER."

9. In any library district every person who is a parochial elector within the meaning of the Local Government Act, 1894,[1] shall be a voter for the purposes of the principal Act and this Act; and parochial electors shall for all the purposes of the principal Act be substituted for county electors.

EXPENSES OF REPAIRING DAMAGE FROM SUBSIDENCE NOT TO BE RECKONED IN LIMITATION OF RATE.

10. *Where in any borough or urban district a building provided under the principal Act shall be damaged through the subsidence of the ground, any expenses incurred by the town council or urban district council in the repair of the damage thereto, shall not be reckoned for the purposes of any limitation of rate under section two of the said principal Act.*[2]

Extent of Act.

ACT NOT TO APPLY TO SCOTLAND.

11. This Act shall not apply to Scotland.

Application of Act to Ireland.

APPLICATION OF CERTAIN PROVISIONS TO IRELAND.

12. *The provisions of this Act enabling a library authority to make byelaws for purposes other than those relating to the Libraries Offences Act,* 1898, *and otherwise relating to such*

(1) Local Government Act, 1894, s. 75 (2):—"The expression 'parochial elector' when used with reference to a parish in an urban district, or in the county of London or any county borough, means any person who would be a parochial elector of the parish if it were a rural parish." As to voters, see also representation of the People Act, 1918, 6th sch., clause 2:—"A reference to local government electors registered under this Act shall, so far as local government elections and the right to vote at any such elections are concerned, be substituted for any reference in any other Act to local government electors, county electors, burgesses, parochial electors, or other persons entitled to vote at a local government election, by whatever name called, and local government electors so registered shall for all purposes, whether statutory or not, be in the same position as any such local government electors, county electors, burgesses, parochial electors, or persons."

(2) S. 10 repealed by the Public Libraries Act, 1919, s. 11 and sch., see *post*, p. 44. S. 2 of the principal Act referred to in this section was also repealed by the 1919 Act, s. 11. S. 4 of the 1919 Act replaces s. 2 of the principal Act.

byelaws, shall extend to Ireland with the substitution of the Public Libraries (Ireland) Acts, 1855 *to* 1894, *for the principal Act, and of sections two hundred and nineteen to two hundred and twenty-three of the Public Health (Ireland) Act,* 1878, *for sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act,* 1875, *and of the expression "sanitary authority" for "local authority."*[1]

Application of the Museums and Gymnasiums Act, 1891, and Public Libraries (Amendment) Act, 1893, to London.

APPLICATION TO LONDON OF 54 & 55 VICT. C. 22 and 56 & 57 VICT. C. 11.

13. The Museums and Gymnasiums Act, 1891,[2] and the Public Libraries (Amendment) Act, 1893,[3] shall extend to the administrative county of London,[4] and for the purpose of such extension shall be modified as follows :—

The expression "urban authority" shall include the common council of the city of London and a metropolitan borough council, and the expression "district" or "urban district" shall include the city of London and a metropolitan borough;

Any expenses incurred by the common council of the city of London or by a metropolitan borough council under the Museums and Gymnasiums Act, 1891, so far as they are not defrayed by fees and other money received under the said Act, shall be defrayed in the manner in which expenses incurred by that council under the principal Act are payable.

Repeal.

14. *The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.*[5]

(1) Repealed and re-enacted by the Public Libraries (Ireland) Act, 1902, s. 8.
(2) See *post*, p. 68.
(3) See *ante*, p. 26.
(4) As to London, see ss. 21–23 and notes thereto, *ante*, pp. 20-22.
(5) Repealed by the Statute Law Revision Act, 1927. As to repeal of repealing enactments, see note on p. 1, *ante*.

SCHEDULE.[1]

Session.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 22.	The Museums and Gymnasiums Act, 1891.	In section two, the words " or " the administrative county " of London."
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	Section three, in so far as it is inconsistent with this Act. Subsection one of section sixteen. Subsection two of section eighteen, and in subsection three of the same section the words " but the sanc- " tion of the vestry shall " not be required for raising " the sums from time to " time due from the parish " for meeting those ex- " penses." So much of section twenty-seven as relates to the definition of a " voter." The First Schedule.

Public Libraries Act, 1919.

[9 & 10 Geo. 5. Ch. 93.]

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An Act to amend the Public Libraries Acts, 1892 to 1901,[1] and to repeal so much of the Museums and Gymnasiums Act, 1891, as authorises the provision of Museums in England and Wales.

[23rd December 1919.]

POWERS OF COUNTY COUNCILS TO ADOPT THE PUBLIC LIBRARIES ACTS.

1.—(1) The council of any county in England or Wales shall have power by resolution specifying the area to which the resolution extends to adopt the Public Libraries Acts[2] for the whole or any part of their county, exclusive of any part of the county which is an existing library area[2] within the meaning of this Act, as if the area specified in the resolution were a library district for the purposes of those Acts.[3]

(2) Where any resolution is passed by the council of a county under this section, the Public Libraries Acts shall, as respects the area specified in the resolution, be carried into execution by the council as the library authority of the area, and, subject to the provisions of this Act, the power to adopt those Acts for any district comprised in that area, being a library district within the meaning of the Public Libraries Act, 1892,[4] shall cease.

(3) Where the Public Libraries Acts have been adopted by the council of a county, the council may borrow for the

(1) Public Libraries Act, 1892, *ante*, p. 5; Public Libraries (Amendment) Act, 1893, *ante*, p. 26; Public Libraries Act, 1901, *ante*, p. 29.
(2) For definition, see s. 10, *post*.
(3) A resolution may be rescinded in the manner set out in s. 5, *post*.
(4) See s. 1 (2) of the principal Act, *ante*, p. 6.

purposes of those Acts as for the purposes of the Local Government Act, 1888[1]:

Provided that *money borrowed for the purposes of those Acts shall not be reckoned as part of the total debt of the county for the purposes of subsection* (2) *of section sixty-nine of the Local Government Act*, 1888, *and that*[2] sixty years shall be substituted for thirty years in subsection (5) of the said section sixty-nine as the maximum period within which money borrowed for the purposes of those Acts is to be repaid.[3]

ARRANGEMENTS BETWEEN EXISTING LIBRARY AUTHORITIES AND COUNTY COUNCILS.

2.—(1) Any library authority,[4] being the library authority of an existing library area[5] and not being the council of a county borough, may, on such terms as may be agreed upon between the authority and the council of the county and approved by the Board,[6] relinquish in favour of the council of the county any of their powers and duties under the Public Libraries Acts, and in that case the powers and duties so relinquished shall cease and the provisions of this Act shall have effect as if the council of the county had passed a resolution under this Act[7] adopting the Public Libraries Acts as respects that area.[8]

(2) Where under the provisions of this Act any existing library authority[9] relinquishes its powers and duties in

(1) See *post*, p. 65.

(2) Repealed, as from the 1st October, 1929, by the Local Government Act, 1929, ss. 74, 137, 12th sch., part V. Sub.-s. (2) of s. 69 of the Local Government Act, 1888, here referred to is also repealed. S. 74 (1) of the Local Government Act, 1929, reads as follows:—"So much of any enactment as imposes any limit on the borrowing powers of any local authority by reference to the value for rating purposes of hereditaments within their area shall, as from the appointed day, cease to have effect." Appointed day means, for the purposes of Part V of the Act, the 1st day of October, 1929 (*see* s. 134).

(3) Local Government Act, 1888, s. 69, see *post*, p. 65. As to other borrowing powers, see the following:—Public Health Act, 1875, ss. 233, 234, 236–9, *post*, p. 49; Public Libraries Act, 1892, s. 19, *ante*, p. 18; Local Government Act, 1894, ss. 11 and 12, *post*, p. 75; and the footnotes thereto. For the normal periods allowed for the repayment of loans, see footnote (4) to s. 19 of the Public Libraries Act, 1892, *ante*, p. 18.

(4) As to the Library Authority in a rural district, see s. 4 of the principal Act, *ante*, p. 9, and s. 7 of the Local Government Act, 1894, *post*, p. 74; in an urban district, s. 4 of the principal Act; in metropolitan boroughs, s. 4 of the London Government Act, 1899, *post*, p. 84; in the City of London, s. 21 of the principal Act.

(5) For definition, see s. 10, *post*.

(6) Board of Education; see s. 10, *post*.

(7) S. 1, *ante*.

(8) This agreement may be rescinded, see s. 5, *post*.

(9) "Existing library authority" means the library authority of any existing library district, see sub-s. 1.

favour of the council of a county, any property or rights acquired for the purpose of the performance of those powers and duties shall by virtue of this Act be transferred to and become vested in the county council and any liabilities incurred for that purpose shall by virtue of this Act become liabilities of the county council.

REFERENCE AND DELEGATION OF LIBRARY POWERS TO EDUCATION COMMITTEES.

3.—(1) Where after the commencement of this Act the Public Libraries Acts are adopted by an authority which is not the library authority of an existing library area and which is the local education authority for the purpose of Part II. of the Education Act, 1902,[1] all matters relating to the exercise by the authority of their powers under the Public Libraries Acts, except the power of raising a rate or borrowing money, shall stand referred to the education committee established under the Education Acts, 1870 to 1918,[2] and the authority before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question.

(2) A library authority, being the local education authority for the purpose of Part II. of the Education Act, 1902,[1] may refer any matters relating to the exercise by them of their powers under the Public Libraries Acts to the education committee established under the Education Acts, 1870 to 1918,[2] and may delegate to that committee any of those powers other than the power of raising a rate or borrowing money, and any education committee to which any powers are delegated under this section may, subject to any directions of the council, delegate all or any of those powers to a sub-committee consisting either in whole, or in part, of members of the education committee.

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(1) Viz., the council of the county or county borough; see s. 3 (2) of the Education Act, 1921, which Act completely repealed the Act of 1902. A "Part II." authority is the authority for the purpose of higher education.

(2) Committees were originally established under s. 17 of the Education Act, 1902, but as this Act was repealed by the Education Act, 1921, a consolidating measure, committees are now established under s. 4 of the 1921 Act.

(3) Where any powers stand referred or are delegated to an education committee in pursuance of this section, those powers shall not, by reason of being so delegated, be deemed for any purposes whatsoever to be powers conferred by the Education Acts, 1870 to 1918.[1]

PROVISIONS AS TO EXPENSES AND AUDIT.

4.—(1) *Section two of the Public Libraries Act,* 1892[2] *(which imposes limitations on the amount of the rate which may be levied for the purposes of that Act) shall cease to have effect, and, where the expenses incurred by any library authority for the purposes of the Public Libraries Acts during the financial year*[3] *current at the commencement of this Act*[4] *exceed the amount produced by the maximum rate which the authority have power to levy for the purposes of those Acts, no part of those expenses shall be open to objection on the audit of the accounts of the authority on the ground that the statutory limitation on expenditure has been exceeded, if and in so far as the expenses were in the opinion of the Ministry of Health reasonably incurred:*

Provided that,[5] if the library authority[6] of any library district, either at the time when the Public Libraries Acts are adopted for the district or at any subsequent time, by resolution declare that the rate to be levied for the purposes of those Acts in the district or any specified portion of the district in any one financial year[3] shall not exceed such sum in the pound as may be specified, the power to raise a rate for the purpose of those Acts in that district shall be limited accordingly, and any such resolution shall not be rescinded until the expiration of twelve months from the date on which it was passed.

(2) Any expenses incurred by the council of a county under the Public Libraries Acts shall be defrayed out of the county fund, and the council may, if they think fit, after

(1) Now the Education Act, 1921, a consolidating measure.
(2) *Ante*, p. 7. The limit under the principal Act was one penny in the £. As to limitation, see also footnotes to proviso to s. 1, *ante* p. 38.
(3) The expression "financial year" means the year ending on the thirty-first day of March (s. 10), *post*.
(4) Presumably the date of the Royal Assent, 23rd December, 1919.
(5) From the beginning of sub-s. (1) to "provided that" repealed by the Statute Law Revision Act, 1927. As to repeal of repealing enactments, see note on p. 1, *ante*.
(6) As to a library authority, see footnote (4) to s. 2 (1), *ante*.

giving reasonable notice to the overseers of the parish or parishes concerned, and in the case of an area situate within a borough including a metropolitan borough or urban district after consultation with the council of the borough or urban district, charge any expenses incurred by them under those Acts on any parish or parishes which in the opinion of the council of the county are served by any institution which has been provided or is being maintained by that council under those Acts :

Provided that the council of a county shall not charge any expenses so incurred on any parish or parishes within an existing library district without the concurrence of the library authority of that district.

(3) The accounts of the receipts and expenditure under the Public Libraries Acts of the council of a county shall be audited in manner provided by section seventy-one of the Local Government Act, 1888.[1]

POWER TO RESCIND RESOLUTIONS OF COUNTY COUNCILS ADOPTING THE PUBLIC LIBRARIES ACTS.

5.—(1) The council of a county by whom a resolution has been passed under this Act[2] adopting the Public Libraries Acts may, if they think it advisable so to do with a view to the better carrying into effect of those Acts in any district,[3] apply to the Board[4] for an order rescinding the resolution as respects that district, and the Board[4] may on any such application, if they think fit, make an order accordingly, and thereupon the Public Libraries Acts shall, as respects that district, have effect as from the date specified in that behalf in the order as though the resolution had not been passed.

(2) Any order made under this section may contain such consequential and supplemental provisions with respect to the transfer of any property or rights acquired or liabilities incurred under the Public Libraries Acts[5] from the council of the county to the library authority of the district concerned as the Board[4] think fit, but no such liabilities shall

(1) See *post* p. 67.
(2) S. 1, *ante*.
(3) For definition, see sub-s. 3 of this section.
(4) Board of Education, see s. 10, *post*.
(5) See also s. 2 (2), *ante*.

be transferred to such last-mentioned library authority without their consent.

(3) In this section the expression "district" means, as the case requires, either a library district or a district which would have been a library district if a resolution adopting the Public Libraries Acts had not been passed under this Act by the council of the county.

POWER OF CERTAIN LIBRARY AUTHORITIES TO PURCHASE LAND COMPULSORILY.

6. A library authority, being the local education authority for the purpose of Part II. of the Education Act, 1902,[1] may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under the Public Libraries Acts in the same manner as they are authorised to purchase land compulsorily for the purpose of their powers or duties under the Education Acts, 1870 to 1918, and subsection (1) of section thirty-four of the Education Act, 1918,[2] shall apply accordingly with the substitution of a reference to the Public Libraries Acts for references therein to the Education Acts, and with the omission of proviso (*b*) thereof.

REPEAL OF S. 3 OF 56 AND 57 VICT. C. 11.

7. *Section three of the Public Libraries Act*, 1893,[3] *shall cease to have effect, and accordingly*[4] any resolution passed in accordance with the ordinary procedure of the council concerned shall have full effect for the purposes of that Act.

POWER OF PROVIDING SCHOOLS OF SCIENCE AND OF ART UNDER S. 11 OF 55 AND 56 VICT. C. 53 TO CEASE.

8. As from the date of the commencement of this Act,[5] the power of providing schools for science and schools for

(1) Viz., the council of a county or county borough; see footnote (1) to s. 3 (1), *ante*.

(2) Most of the Education Act, 1918, was repealed by the consolidating Act of 1921. As to the compulsory purchase of land, see s. 111 of the 1921 Act, *post*, p. 89, which re-enacts the s. 34 here referred to; the "omission of proviso (*b*)" does not now apply as this proviso is omitted in the consolidating Act. See also S.R.O. 1925, No. 1236, *post*, p. 92.

(3) *Ante*, p. 26; s. 3 contained proceedings for adoption but it is now repealed by s. 11 (2) and sch. of this Act.

(4) Repealed by the Statute Law Revision Act, 1927. As to the repeal of repealing enactments, see note on p. 1, *ante*.

(5) 23rd December, 1919, the date of the Royal Assent.

art conferred by section eleven of the Public Libraries Act, 1892,[1] shall cease, without prejudice, however, to the power of maintaining under the Public Libraries Acts any such school established under that section before that date.

POWER OF PROVIDING MUSEUMS UNDER 54 AND 55 VICT. C. 22 TO CEASE.

9. As from the date of the commencement of this Act,[2] so much of section four of the Museums and Gymnasiums Act, 1891,[3] as authorises the provision of museums in England and Wales shall cease to have effect, without prejudice however, subject as hereinafter provided, to the power of maintaining under that Act any museum established thereunder before the said date :

Provided that, where the district for which a museum has been provided under the said Act at the said date is, or is part of, or at any time after the said date becomes, or becomes part of, a district which is a library district within the meaning of the Public Libraries Act,[4] the museum shall be transferred to the library authority of the district,[5] and be maintained by that authority as though it had been provided under those Acts.

INTERPRETATION.

10. For the purposes of this Act—

The expression " the Public Libraries Acts " means the Public Libraries Acts, 1892 to 1901, and this Act;

The expression " the Board " means the Board of Education;

The expression " existing library area " means a district as respects which the Public Libraries Acts are in force and in which expenses have, within the last preceding financial year, been incurred for the purposes of those Acts, or in which a public library

(1) *Ante*, p. 12.
(2) 23rd December, 1919, the date of the Royal Assent.
(3) Museums and Gymnasiums Act, 1891, s. 4 : "An urban authority may provide and maintain museums for the reception of local antiquities or other objects of interest, and gymnasiums with all the apparatus ordinarily used therewith, and may erect any buildings, and generally do all things necessary for the provision and maintenance of such museums and gymnasiums." See *post*, p. 70.
(4) *Ante*, pp. 6 and 42.
(5) As to library authority, see footnote (4) to s. 2 (1), *ante*.

has been established and is being maintained under or by virtue of any local Act;

The expression "financial year" means the year ending on the thirty-first day of March.

SHORT TITLE AND REPEAL.

11.—(1) This Act may be cited as the Public Libraries Act, 1919, and shall be construed as one with the Public Libraries Acts, 1892 to 1901, and those Acts and this Act may be cited together as the Public Libraries Acts, 1892 to 1919.

(2) *The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.*[1]

SCHEDULE.[1]

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	Section two; in section three the words "or with respect "to any limitation of the "rate other than the limita "tions specified in this "Act"; subsection (4) of section twenty-one.
56 & 57 Vict. c. 11.	The Public Libraries (Amendment) Act, 1893.	In section two the words "subject to the conditions "contained in the second "section of that Act" and the words "and the limi- "tation of the maximum "rate to be levied for "the purposes of that Act "may within the limits "fixed by that Act be "fixed, raised or re- "moved"; section three.
1 Edw. 7 c. 19	The Public Libraries Act, 1901.	Section ten.

(1) Repealed by the Statute Law Revision Act, 1927. As to repeal of repealing enactments, see note on p. 1, *ante*.

PART II

SUBSIDIARY LEGISLATION

Byelaws—Borrowing Powers—Audit of Accounts.

Public Health Act, 1875. (38 & 39 Vict. c. 55.)

BYELAWS,[1] SS. 182-6.

182. All byelaws made by a local authority[2] under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

183. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

184. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the [Board of Education],[3] which Board is hereby empowered to allow or disallow the

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(1) Byelaws under s. 3 of the Public Libraries Act, 1901, shall be made in accordance with the provisions respecting byelaws under this Act. See Public Libraries Act, 1901, s. 3 (2), *ante*, p. 32.

(2) The expression "local authority" shall include in every case a library authority. See Public Libraries Act, 1901, s. 3 (2).

(3) Byelaws were formerly submitted to the Ministry of Health for confirmation. See the Ministry of Health (Public Libraries, Museums and Gymnasiums Transfer of Powers) Order, 1920, *post*, p. 103.

same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the [Board of Education][1] shall not require confirmation allowance or approval by any other authority.

185.—All byelaws made by a local authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same; a copy of any byelaws made by a rural authority shall also be transmitted to the overseers of every parish to which such byelaws relate, and to be open to the inspection of any ratepayer of the parish at all reasonable hours.

186. A copy of any byelaws made under this Act by a local authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

(1) Byelaws were formerly submitted to the Ministry of Health for confirmation. See the Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order, 1920, *post*, p. 103.

BORROWING POWERS,[1] SS. 233, 234, 236–9.

233. Any local authority may, with the sanction of the *Local Government Board* [Ministry of Health],[2] for the purpose of defraying any costs, charges and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs, charges and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund, rate or rates.

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(1) Applied to libraries by the Public Libraries Act, 1892, s. 19 (2), *ante*, p. 18, as if the library authority were an urban authority, and as if references to the Public Libraries Act, 1892, were substituted in these sections for references to the Public Health Act, 1875. The Local Government Act, 1894, s. 12 (3) lays it down that a parish council shall not borrow for the purposes of any of the adoptive Acts otherwise than in accordance with that Act. As the Local Government Act, 1894, itself applies the sections of the Public Health Act, 1875, relating to borrowing powers, there can be no doubt as to the fact that loans can only be raised in the manner set out by these sections above, but the authority for so doing is under the Local Government Act, 1894, and not under either the Public Health Act, 1875, or the Public Libraries Act, 1892. As to borrowing powers of county councils, see the Local Government Act, 1888, s. 69, *post*, p. 65, as applied by the Public Libraries Act, 1919, s. 1 (3). The normal periods allowed for the repayment of loans is: erection of buildings, extensions and alterations, 30 years; for furniture and fittings, 15 years; for books, 5 years. See footnote (4) to s. 19 of the Public Libraries Act, 1892, *ante*, p. 18.

(2) Now the Ministry of Health, see the Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102.

234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely)

(1) Money shall not be borrowed except for permanent works[1] (including under this expression any works of which cost ought in the opinion of the [Ministry of Health] to be spread over a term of years):

(2)[2]

(3)[2]

(4) The money may be borrowed for such time, not exceeding sixty years, as the local authority, with the sanction of the [Ministry of Health], determine in each case; and, subject as aforesaid, the local authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sums as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:

(5) A local authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied:

(6) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the

(1) As to "permanent works" see footnote (4) on p. 18, *ante*.
(2) Sub-ss. (2) and (3), which imposed a limit, are repealed as from the 1st October, 1929, by the Local Government Act, 1929, s. 74, 12th sch., Part V.

original loan was sanctioned, unless with the sanction of the [Ministry of Health], and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

236. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date consideration and the time and place of payment, and shall be sealed with the common seal of the local authority, and may be made according to the form contained in schedule IV to this Act, or to the like effect.[1]

237. There shall be kept at the office of the local authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds.

238. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfer may be according to the form contained in schedule IV to this Act, or to the like effect.[2]

There shall be kept at the office of the local authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer,

(1) The form referred to is Form H, *post*, p. 57.
(2) The form referred to is Form I, *post*, p. 58.

if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the local authority, who shall, on payment of a sum not exceeding five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the local authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the local authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding twenty pounds.

239. If at the expiration of six months from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them :

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

AUDIT OF ACCOUNTS OF LOCAL AUTHORITIES, SS. 245–247, 249, 250.[1]

245. Accounts of the receipts and expenditure under this Act of every local authority shall be made up in such form and to such day in every year as the [Ministry of Health] may appoint.

246. Where an urban authority are the council of a borough the accounts of the receipts and expenditure under this Act of such authority shall be audited and examined by the auditors of the borough, and shall be published in like manner, and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts.

Each of such auditors shall in respect of each audit be paid such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as such authority from time to time appoint. Any order of such authority for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section forty-four of the Act of the first year of Her Majesty, chapter seventy-eight,[2] with respect to orders of the council of a borough for payments out of the borough fund.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed; (namely,)

(1) The accounts of the receipts and expenditure under this Act of such authority shall be audited and

(1) As to audit generally, see s. 20 of the Public Libraries Act, 1892, and the footnotes thereto.

(2) Viz., Municipal Corporations Amendment Act, 1837, which was repealed by s. 5 and sch. I of the Municipal Corporations Act, 1882. S. 44 here referred to was replaced by s. 141 of the 1882 Act.

examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor . . . . [1]

(2)[1]

(3)[2] Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever :

(4) A copy of the accounts duly made up and balanced, together with all rate books account books deeds contracts accounts vouchers and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds :

(5) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all books deeds contracts accounts vouchers receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books deeds contracts accounts

(1) Remainder of subsection (1) and whole of subsection (2), repealed by the District Auditors Act, 1879, s. 11 and 2nd schedule. The District Auditors Act is set out on pp. 58–62.

(2) Modified by the Local Authorities (Audit) Order, 1928, (S.R.O. 1928 No. 177).

vouchers receipts documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books deeds contracts accounts vouchers receipts documents or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury :

(6) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances :

(7) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made :

(8)[1]

(9) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been certified,

(1) Repealed by the Audit (Local Authorities) Act, 1927 (17 & 18 Geo. 5, c. 31, s. 4 (4)).

unless there is an appeal against the decision; and if such sum is not paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts, and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person :

(10)[1] Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

248.[2]

249. On the application of any local authority whose accounts are required by this Act to be audited to the clerk of the peace of the county in which the district of such authority is wholly or in part situated, the said clerk or his deputy shall tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such authority; and the allowance of any sum on such taxation shall be prima facie evidence of the reasonableness of the amount, but not of the legality of the charge.

The clerk of the peace shall be allowed for such taxation a remuneration after the rate to be fixed by the master of

(1) Modified by the Local Authorities (Audit) Order, 1928 (S.R.O. 1928, No. 177).

(2) Section 248 repealed by the Rating and Valuation Act, 1925, s 69, and 8th schedule.

the Crown Office, and declared by an order of the [Ministry of Health.]

If any such bill is not taxed by the clerk of the peace or some other duly authorised taxing officer before being presented to the auditors or auditor, the decision of the auditors or auditor upon the reasonableness and the legality of the charge shall be final.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers incidents and consequences as in the case of such last-mentioned accounts.

SCHEDULE IV.

FORMS.

Form H.[1]

Form of Mortgage of Rates.

By virtue of the Public Health Act, 1875, we the..... .....being the local authority under that Act for the district of ..... in consideration of the sum of ..... paid to the treasurer of the said district by A.B. of ..... for the purposes of the said Act, do grant and assign unto the said A.B., his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of ..... doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said rates, to hold to the said A.B., his executors, administrators, and assigns, from the day of the date hereof until the said sum of ..... with interest at the rate of ..... per centum per annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said principal sum shall be repaid on the ..... day of ..... at [*place of payment*]. Dated this ..... day of ..... one thousand [nine] hundred and .....

[*To be sealed with the common seal of the local authority.*]

(1) See s. 236, *ante*, p. 51.

Form I.[1]

Form of Transfer of Mortgage.

I A. B. of ....., in consideration of the sum of .....paid to me by C. D., of ....., do hereby transfer to the said C. D., his executors, administrators, and assigns, a certain mortgage, bearing date the ..... day of ..... and made by the local authority under the Public Health Act, 1875, for the district of ..... for securing the sum of ..... and interest thereon at ..... per centum per annum [*or if such transfer be by endorsement on the mortgage, insert, instead of the words immediately following the word "assigns"* the within security], and all my right estate and interest in and to the money thereby secured, and in and to the rates thereby assigned. In witness whereof I have hereunto set my hand and seal this ..... day of ..... one thousand [nine] hundred and .....

A. B. (L.S.)

Audit of Accounts—District Auditors.

District Auditors Act, 1879.[2] (42 Vict. c. 6.)

1. This Act may be cited as the District Auditors Act, 1879.

2. .....[3] the whole of the salaries or remuneration and of the expenses of district auditors, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament; and for the purpose of contributing to the amount required for the payment of such salaries, remuneration, and expenses, there shall be charged on every local authority whose accounts are audited by a district auditor a stamp duty for the use of [His] Majesty, according to the scale contained in the First Schedule to this Act,[4] and such duty shall be levied by a stamp on the certificate of the auditor hereinafter mentioned.

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(1) See s. 238, *ante*, p. 51.

(2) As to the audit of accounts generally and other enactments relating to audit, see s. 20, and footnotes thereto, of the Public Libraries Act, 1892, *ante*, p. 19.

(3) The preamble and part of s. 2 of this Act was repealed by the Statute Law Revision Act, 1894.

(4) See note to the First Schedule of this Act, *post*.

3. Where the accounts of the receipts and expenditure of a local authority are audited by a district auditor, the local authority shall prepare and submit to the district auditor at every audit (other than an extraordinary audit[1] held in pursuance of section six of the Poor Law Amendment Act, 1866,[2]) a financial statement[3] in duplicate in the prescribed form and containing the prescribed particulars ;[3] one of such duplicates shall have the stamp charged under this Act affixed thereon, and the auditor at the conclusion of the audit shall cancel that stamp, and certify on each duplicate, in the prescribed form, the amount in words at length of the expenditure so audited and allowed, and further, that the regulations with respect to such statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement.

He shall forthwith send the duplicate so stamped and certified by him to the [Minister of Health] ; and in such case a return of the receipts or expenditure comprised in such statement need not, unless the [Minister of Health] so requires, be sent to the [Minister] in pursuance of the Local Taxation Returns Acts, 1860 and 1877.

4. The [Minister of Health] may from time to time appoint such number of district auditors as [he] may, with the sanction of the Treasury, think necessary for the performance of the duties of auditing the accounts which are for the time being by law subject to be audited by district auditors, and may from time to time remove such auditors.

The [Minister] may from time to time assign to district auditors their duties, and the districts in which such auditors respectively are to act, and may from time to time change wholly or in part such duties or districts ; and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district within the meaning of any enactment relating to district auditors

(1) Section 3 of this Act does not apply in the case of an extraordinary audit held under the Audit (Local Authorities, etc.) Act, 1922 (see proviso to sub-section (2) of s. 2 of that Act).

(2) The Poor Law Amendment Act, 1866, was repealed by the Poor Law Act, 1927, s. 245 and 11th sch. which was in turn repealed by the Poor Law Act, 1930.

(3) Orders, circulars, etc., relating to accounts and financial statements, issued from time to time, are included in the series of Statutory Rules and Orders, published by Authority, and in the Local Government Reports (Part II, Orders etc.), published by Knight & Co., Ltd., Tooley Street, S.E. 1.

or their districts, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

The [Minister] may also, with the consent of the Treasury, appoint from time to time a person or persons, either temporarily or otherwise, to assist a district auditor in the performance of his duties, and any person so appointed shall, subject to any exceptions made by the terms of his appointment, have the same powers and duties and be subject to the same obligations as the district auditor whom he is appointed to assist.

The [Minister], with the like consent, may assign to a person so appointed such salary or remuneration and such sum for his expenses as may seem fit, and such salary, remuneration, and expenses shall be paid out of moneys provided by Parliament.

5. Where any account of the receipts and expenditure of a local authority are subject by law to be audited by a district auditor, the [Minister of Health] may from time to time by order make, and when made revoke and vary, such regulations as seems to the [Minister] necessary or proper respecting the audit of such accounts, including the form of keeping the accounts of the local authority and their officers, the day or days to which the accounts are to be made up, the time within which they are to be examined by the local authority, the mode in which, if it is so prescribed, they are to be certified by the local authority or any officer of that authority, the mode of publishing the time and place of holding the audit, the persons by whom such accounts are to be produced for audit, and the mode of conducting the audit, and an order under this section shall be deemed to be an order within the meaning of section ninety-eight of the Poor Law Amendment Act, 1834.[1]

6. The duties charged under this Act shall be deemed to be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery, fraudulent dies, and other offences in connexion with stamp duties,

(1) The Poor Law Amendment Act, 1834, was repealed by the Poor Law Act, 1927, s. 245 and sch. 11, which was in turn repealed by the Poor Law Act, 1930. This latter Act (s. 139), in effect, re-enacts s. 98 of the Poor Law Amendment Act, 1834, referred to above, so far as it relates to orders by the Minister of Health.

shall apply accordingly; and such duties may, if the Commissioners so direct, be denoted by adhesive stamps, to be cancelled by the auditor as provided by this Act.

7. If a local authority fail to comply with the provisions of this Act with respect to a financial statement, such local authority, or if a clerk to the local authority is appointed, that clerk, and if no clerk is appointed, but there is a treasurer or other officer keeping the accounts which should be comprised in such financial statement, that treasurer or other officer shall be liable to a fine not exceeding twenty pounds for each offence, to be recovered by action on behalf of [His] Majesty in the High Court of Justice.

8. In this Act,—

The expression "local rate" means the poor rate, the general district rate, and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of a poundage assessment of the value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The expression "local authority" means any person or body of persons who receive and expend any local rate [including library commissioners],[1] but does not include overseers of the poor.

The expression "prescribed" means prescribed from time to time by the [Minister of Health].

The expression "Treasury" . . .[2]

9.[3]

10.[3]

11.[3]

(2) Any auditor appointed in pursuance of any enactment hereby repealed shall (save as may be prescribed) have the

(1) Library commissioners shall be included in the expression "local authority." See Public Libraries Act, 1892, s. 20 (2), *ante*, p. 19.

(2) Section 8 so far as it relates to "Treasury" was repealed by the Statute Law Revision Act, 1894. As to the meaning of "Treasury," see s. 12 (2) of the Interpretation Act, 1889.

(3) Sections 9, 10, 11 in part were repealed by the Statute Law Revision Act, 1894.

same powers and duties and be subject to the same obligations as if such enactment had not been repealed.

12.[1] Nothing in this Act shall prevent a district auditor from recovering . . . any expenses . . . which he may . . . incur, in any proceedings which he is authorised or required to take or defend under the statutes in that behalf.[2]

FIRST SCHEDULE.

SCALE OF STAMP DUTIES PAYABLE BY LOCAL AUTHORITIES.[3]

SECOND SCHEDULE

ACTS REPEALED.[3]

(1) Section 12 in part was repealed by the Statute Law Revision Act, 1894.
(2) As to the recovery of sums certified by the Auditor see s. 3 of the Audit (Local Authorities) Act, 1927.
(3) The schedules were repealed by the Statute Law Revision Act, 1894. For the new scale of stamp duties, see the Audit Stamp Duty (Local Authorities) Order, 1921 (S.R.O. 1921, No. 1895).

Municipal Corporations—Accounts and Audit.

Municipal Corporations Act, 1882.

(45 & 46 Vict. c. 50.)

ACCOUNTS AND AUDIT,[1] SS. 25–28.[2]

25.—(1) There shall be three borough auditors, two elected by the burgesses, called elective auditors, and one appointed by the mayor, called mayor's auditor.

(2) An elective auditor must be qualified to be a councillor, but may not be a member of the council or the town clerk or the treasurer.

(3) The mayor's auditor must be a member of the council.

(4) The term of office of each auditor shall be one year.

(5) The appointment of the mayor's auditor shall be made on the ordinary day of election of the elective auditors.

(6) On a casual vacancy in his office an appointment to fill it shall be made within ten days after the occurrence of the vacancy.

26. The treasurer shall make up his accounts half-yearly to such dates as the council, with the approval of the [Ministry of Health], from time to time appoint; and, subject to any such appointment, to the dates in use at the commencement of this Act.[3]

27.—(1) The treasurer shall within one month from the date to which he is required to make up his accounts in each half year, submit them, with the necessary vouchers and papers, to the borough auditors, and they shall audit them.

(2) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year.

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(1) As to audit of accounts generally, see s. 20, and notes thereto, of the Public Libraries Act, 1892, *ante*, p. 19.

(2) In certain boroughs, provision is made by a local Act for a Government audit, and therefore ss. 25 to 28 of this Act do not apply. For list of such boroughs, see the latest edition of the Chronological Table and Index to the Statutes, Vol. II, tit. BOROUGH, Municipal, E. 4 (*h*).

(3) This Act commenced and had effect from the 31st December, 1882 (s. 2).

28.—(1) The town clerk shall make a return to the [Ministry of Health] of the receipts and expenditure of the municipal corporation for each financial year.

(2) The return shall be made for the financial year ending on the twenty-fifth of March, or on such other day as the [Ministry of Health], on the application of the council, from time to time prescribe.

(3) The return shall be in such form and contain such particulars as the [Ministry of Health] from time to time direct.

(4) The return shall be sent to the [Ministry of Health] within one month after the completion of the audit for the second half of each financial year.

(5) If the town clerk fails to make any return required under this section, he shall for each offence be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(6) The [Ministry of Health] shall in each year prepare an abstract of the returns made in pursuance of this section, under general heads, and it shall be laid before both Houses of Parliament.

County Councils—Borrowing Powers—Audit of Accounts.

Local Government Act, 1888.
(51 & 52 Vict. c. 41.)

BORROWING BY COUNTY COUNCILS.[1]

69.—(1) The county council may from time to time, with the consent of the *Local Government Board* [Ministry of Health],[2] borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as may be required for the following purposes, or any of them, that is to say :—

(*a*) for consolidating the debts of the county; and

(*b*) for purchasing any land or building any building, which the council are authorised by any Act to purchase or build; and

(*c*) for any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought in the opinion of the [Ministry of Health][2] to be spread over a term of years; and

(*d*).[3]

(*e*) for any purpose for which quarter sessions or the county council are authorised by any Act to borrow,

but neither the transfer of powers by this Act nor anything else in this Act shall confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to such borrowing and the [Ministry of Health],[2] before giving their consent, shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund.

(2).[4]

(1) Applied to libraries by the Public Libraries Act, 1919, s. 1 (3), *ante*, p. 37. As to borrowing generally and repayment, see s. 19 and notes thereto of the Public Libraries Act, 1892, *ante*, p. 18.

(2) Now the Ministry of Health. See Ministry of Health Act, 1919, s. 3 (1) (*a*) *post*, p. 102.

(3) Subsection 1 (*d*) relates to advances in aid of emigration and colonisation, and is therefore not printed here.

(4) Subsection (2) which imposed a limit, was repealed as from 1st October, 1929, by the Local Government Act, 1929, s. 74, 12th sch., Part V.

(3) A county council may also from time to time, without any consent of the [Ministry of Health], during the period which was fixed for the discharge of any loan raised by them under this Act or transferred to them by this Act, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or if any part of such loan has been re-paid otherwise than by capital money for re-borrowing the amount so repaid, and for the purpose of this section, " capital money " includes any instalments, annual appropriations, and sinking fund and the proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan.

(4) All money re-borrowed shall be repaid within the period fixed for the discharge of the original loan, and every loan for re-borrowing shall for the purpose of the ultimate discharge be deemed to form part of the same loan as the original loan, and the obligations of the council with respect to the discharge of the original loan shall not be in any way affected by means of the re-borrowing.

(5) A loan under this section shall be repaid within such period, not exceeding *thirty years* [sixty years],[1] as the county council, with the consent of the [Ministry of Health], determine in each case.

(6) The county council shall pay off every loan either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with the Local Loans Act, 1875, and the Acts amending the same.[2]

(7) Where a loan is raised for any special county purpose, the council shall take care that the sums payable in respect

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(1) By the Public Libraries Act, 1919, in the proviso to s. 1 (3), sixty years shall be substituted in subs. (5) of this section.

(2) Under s. 15 of the Local Loans Act, 1875, sinking funds are established by such equal yearly or half-yearly payments into the fund as, being accumulated at compound interest, will, at the expiration of the prescribed period, be sufficient, after payment of all expenses, to discharge part or the whole of the loan. The first payment into such fund must be made within one year of the loan, and all sums paid into the fund must be invested by the local authority. The local authority may, from time to time, apply the fund, or part of it, towards the discharge of part or all of the loan, but the fund must not be used for any other purpose. Until the loan is discharged the local authority is required, (s. 16), to make a return annually as to the sinking fund to the Ministry of Health.

of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

(8) Where the county council are authorised to borrow any money on loan they may raise such money either as one loan or several loans, and either by stock issued under this Act, or by debentures or annuity certificates under the Local Loans Act, 1875,[1] and the Acts amending the same, or, *if special reasons exist for so borrowing*,[2] by mortgage, in accordance with sections two hundred and thirty-six and two hundred and thirty-seven of the Public Health Act, 1875.[3]

(9).[2]

(10) Where the county council borrow by debentures such debentures may be for any amount not less than five pounds.

(11).[4]

(12).[5]

AUDIT OF ACCOUNTS OF COUNTY COUNCIL.[6]

71.—(1) The accounts of the receipts and expenditure of county councils shall be made up to the end of each local financial year as defined by this Act, and be in the form for the time being prescribed by the [Ministry of Health].

(2) The provisions of the Municipal Corporations Act, 1882, with respect to the return to the [Ministry of Health] of the accounts of a council of a borough[7] and to the accounts of the treasurer of the borough,[8] and to the inspection and abstract thereof shall apply to the accounts of a county council, and of the treasurer and officers of

(1) Local Loans Act, 1875, ss. 5–7.

(2) The words in italics and the whole of subsection (9) were repealed by the County Councils Mortgages Act, 1909.

(3) *Ante*, p. 51.

(4) Subsection 11 relates to advances in aid of emigration and colonisation, and is therefore not printed here.

(5) Subsection 12 is a reservation on the borrowing powers of the Cheshire County Council as regards the surplus funds of the River Weaver Navigation.

(6) Applied to libraries by the Public Libraries Act, 1919, s. 4 (3), *ante*, p. 41.

(7) Municipal Corporations Act, 1882, s. 28, requires the town clerk to make a return to the [Ministry of Health] of the receipts and expenditure of the municipal corporation within one month after the audit for the second half of each financial year.

(8) By ss. 26 and 27 of the Municipal Corporations Act, 1882, the Treasurer is required to make up his accounts half-yearly and within one month the accounts must be submitted by him to the borough auditors. After the audit for the second half of each financial year he is required to print a full abstract of his accounts for that year.

such council, and the said provisions respecting the return to the [Ministry of Health] shall extend to the return to that [Ministry] of a printed copy of the abstract of the said accounts.

(3) The accounts of a county council and of the county treasurer and officers of such council, shall be audited by the district auditors appointed by the [Ministry of Health] in like manner as accounts of an urban authority and their officers under sections two hundred and forty-seven and two hundred and fifty of the Public Health Act, 1875, and those sections and all enactments amending them or applying to audit by district auditors, including the enactments imposing penalties and providing for the recovery of sums, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of property in the county shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the first schedule to the District Auditors Act, 1879,[1] shall be modified in manner described in the second schedule to this Act.[2]

Museums.

Museums and Gymnasiums Act, 1891.[3]

(54 & 55 Vict. c. 22.)

1. This Act may be cited as the Museums and Gymnasiums Act, 1891.

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(1) *Ante*, p. 62.

(2) The modification relates to expenditure amounting to £100,000 and upwards.

(3) Only so much of this Act as relates to museums is set out at length, and references to gymnasiums have, for the most part, been omitted. The Public Libraries Act, 1919, s. 9, repealed the power of local authorities to provide museums under this Act, without prejudice however to the power of maintaining under this Act any museums established before the year 1919, situated in a district which was not a library district. If the district was a library district, or at any time after 1919 became a library district, the museum would be transferred to the library authority. The effect of this amendment was that after 1919 museums could only be established and maintained under the provisions of the Public Libraries Acts; therefore, apart from the purpose of maintaining a museum established before 1919 in a district which is not a library district, this Act is of little use at the present time. Museums are now established by virtue of s. 11 of the Public Libraries Act, 1892, *ante*, p. 12.

2.—(1) This Act shall extend to any district where the same is adopted as hereinafter provided, but only so far as the adoption extends.

(2) This Act shall not extend to Scotland *or the administrative county of London.*[1]

3.—(1) This Act may be adopted by any urban authority for their district either wholly or so far as it relates to museums only or to gymnasiums only.

(2) The adoption shall be by a resolution passed at a meeting of the urban authority, and one month at least before such meeting special notice of the meeting and of the intention to propose such resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(*a*) Given in the mode in which notices to attend meetings of the authority are usually given; or

(*b*) Where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in England.

(3) Such resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at a time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix, and upon its coming into operation the Act shall extend to that district.

(4) A copy of the resolution shall be sent to the [Minister of Health] [and to the Board of Education].[2]

(5) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the

(1) Extended to London by the Public Libraries Act, 1901, s. 13, *ante*, p. 35.
(2) See S.R.O. 1920, No. 810, p. 103.

contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

4.[1] An urban authority may provide and maintain museums for the reception of local antiquities or other objects of interest, . . . and may erect any buildings, and generally do all things necessary for the provision and maintenance of such museums. . . .

5. A museum provided under this Act shall be open to the public not less than three days in every week free of charge, but subject thereto an urban authority may admit any person or class of persons thereto as they think fit, and may charge fees for such admission, or may grant the use of the same or of any room therein, either gratuitously or for payment, to any person for any lecture or exhibition, or for any purpose of education or instruction, and the admission to the museum or room the use of which is so granted may be either with or without payment as directed by the urban authority, or with the consent of the urban authority by the person to whom the use of the museum or room is granted.[2]

6.[3]

7.—(1) An urban authority may make regulations[4] for all or any of the following matters, namely :—

(*a*) For fixing the days of the week or hours of the day, as the case may be, during which the museum . . . is to be open to the public free of charge :

(*b*) For giving special facilities to students for the use of the museum :

(*c*) For fixing the fees to be paid for the admission of persons to the museum and for the use thereof either by students or in any other special manner :

(1) This section is very materially amended by s. 9 of the Public Libraries Act, 1919, which see, *ante*, p. 43. See also note (3) on p. 68.

(2) As to admission to a museum provided or maintained under the Public Libraries Acts, see s. 11 (3) of the Public Libraries Act, 1892, *ante*, p. 12.

(3) Section 6 relates to admission to a gymnasium and is therefore omitted.

(4) As to regulations and byelaws made under the authority of the Public Libraries Acts, see Public Libraries Acts, 1892, s. 15 (2), *ante*, p. 14, and Public Libraries Act, 1901, s. 3, *ante*, p. 31.

(*d*)...

(*e*) For prescribing conditions on which the exclusive use of the museum, or any room therein, . . . is granted in any case :

(*f*) For determining the duties of the . . . officers, and servants of the urban authority in connexion with a museum . . . :

(*g*) Generally for regulating and managing the museum . . .

(2) The urban authority may make byelaws for regulating the conduct of persons admitted to the museum . . . , and may by any such byelaw provide for the removal from the museum . . . of any person infringing any such byelaw by any officer of the urban authority or by any constable.

All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875,[1] and any enactment amending or extending those sections, shall apply to all byelaws from time to time made by an urban authority under the powers of this Act.

8. An urban authority may at such time as they think fit close a museum . . . provided by them for repairs and shall give a fortnight's notice of their intention to close the same by affixing a notice to that effect on the door of the museum or gymnasium, as the case may be, or otherwise as they think fit.

9. An urban authority may appoint and pay such officers and servants as they think fit for the purpose of a museum . . . provided under this Act . . .[2]

10.—(1) The fees and other money received by an urban authority under this Act shall be applied in defraying the expenses of the museum . . . in respect of which they are received.

(2) So far as such expenses are not so defrayed, they shall be defrayed as part of the general expenses of the execution by the urban authority of the Public Health Acts.

(3) An urban authority may borrow for the purposes of this Act in like manner and subject to the like conditions as

(1) *Ante*, pp. 47 and 48; and see also S.R.O. 1920, No. 810, p. 103.
(2) See also Public Libraries Act, 1892, s. 15 (2), *ante*, p. 14.

for the purpose of defraying the said general expenses, and for that purpose sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875 (relating to borrowing),[1] and sections two hundred and forty-two and two hundred and forty-three of the same Act (relating to loans by the Public Works Loan Commissioners), as amended by section two of the Public Works Loans Act, 1879, shall apply.

(4) Separate accounts shall be kept of the receipts and expenditure of an urban authority in connexion with any museum . . .[2] established under this Act, and such accounts shall be audited in like manner and with the like power to the officer auditing the same, and with the like incidents and consequences as the accounts of the urban authority are for the time being required to be audited by law.

(5) The amount expended by an urban authority under this Act shall not in any year exceed the amount produced by a rate of a halfpenny in the pound for a museum, and the like amount for a gymnasium established under this Act.[3]

11.—(1) Land for the purposes of this Act[4] may be acquired by an urban authority in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of that Act (relating to the purchase of land) shall apply accordingly, but no land shall be so acquired otherwise than by agreement.

(2) An urban authority may, with the consent of the [Ministry of Health], appropriate, for the purposes of this Act, any land which may be for the time being vested in them, or at their disposal.

12.—(1) Where it appears to an urban authority that a museum or gymnasium which has been established under this Act for seven years or upwards is unnecessary or too expensive, they may, with the consent of the [Board of

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(1) *Ante*, pp. 49–53.
(2) See also Public Libraries Act, 1892, s. 20 (1), *ante*, p. 19.
(3) The rate limitation for the purposes of the Public Libraries Acts generally was removed by the Act of 1919.
(4) See also Public Libraries Act, 1892, s. 12.

Education][1] sell the same for the best price that can reasonably be obtained for the same, and shall convey the same accordingly.

(2) Any moneys arising from such sale shall be applied towards the repayment of any money borrowed for the purpose of the museum or gymnasium sold, and, so far as not required for that purpose, shall be applied to any purpose to which capital moneys are properly applicable, and which may be approved by the [Board of Education].[1]

13. All powers given to an urban authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

14. In this Act the expression "urban authority" means an urban sanitary authority under the Public Health Acts, and the expression "district" means an urban sanitary district under those Acts.

15.[2]

(1) Formerly the Ministry of Health, now the Board of Education, see Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order, 1920, *post*, p. 103.

(2) Section 15 relates to the application of this Act to Ireland and is therefore omitted.

Transfer of Powers (Adoption)—Expenditure—Borrowing Powers—Qualifications of Commissioners—Joint Committees —Audit of Accounts (District and Parish Councils).

Local Government Act, 1894.

(56 & 57 Vict. c. 73.)

TRANSFER OF POWERS UNDER ADOPTIVE ACTS,[1] S. 7.

7.—(1) *As from the appointed day*,[2] in every rural parish the parish meeting shall, exclusively, have the power of adopting any of the following Acts, inclusive of any Acts amending the same (all which Acts are in this Act referred to as "the adoptive Acts"); namely,—

(*a*) The Lighting and Watching Act, 1833;
(*b*) The Baths and Washhouses Acts, 1846 to 1882;
(*c*) The Burial Acts, 1852 to 1885;
(*d*) The Public Improvements Act, 1860;
(*e*) The Public Libraries Act, 1892.

(2) Where under any of the said Acts a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act, the like majority of the parish meeting or, if a poll is taken, of the parochial electors, shall be required, and where under any of the said Acts the opinion of the voters is to be ascertained by voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided by this Act.

(3) Where under any of the said Acts the consent or approval of, or other act on the part of, the vestry of a rural parish is required in relation to any expense or rate, the parish meeting shall be substituted for the vestry, and for this purpose the expression "vestry" shall include any meeting of ratepayers or voters.

(4) Where there is power to adopt any of the adoptive Acts for a part only of a rural parish, the Act may be adopted by a parish meeting held for that part.

(5) Where the area under any existing authority acting within a rural parish in the execution of any of the adoptive

(1) As to adoption, see also footnotes to s. 3 of the principal Act, *ante*, pp. 7 and 8. See also s. 53 of this Act, *post*, p. 79.
(2) 1st November, 1894 (s. 84 (4) (c)). Repealed by the Statute Law Revision Act, 1908.

Acts is co-extensive with the parish, all powers, duties, and liabilities of that authority shall, on the parish council coming into office, be transferred to that council.

(6) This Act shall not alter the incidence of charge of any rate levied to defray expenses incurred under any of the adoptive Acts, and any such rate shall be made and charged as heretofore, and any property applicable to the payment of such expenses shall continue to be so applicable.

(7) When any of the adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a parish council, the parish council shall be the authority for the execution of the Act.

(8).[1]

EXPENDITURE,[2] s. 11.

11.—(1) A parish council shall not, without the consent of a parish meeting, incur expenses or liabilities which will involve a rate exceeding threepence in the pound for any local financial year, or which will involve a loan.

(2) A parish council shall not, without the approval of the county council, incur any expense or liability which will involve a loan.

(3) The sum raised in any local financial year by a parish council for their expenses (other than expenses under the adoptive Acts) shall not exceed a sum equal to a rate of sixpence in the pound on the rateable value of the parish at the commencement of the year, and for the purpose of this enactment the expression "expenses" includes any annual charge, whether of principal or interest in respect of any loan.

(4) Subject to the provisions of this Act, the expenses of a parish council and of a parish meeting, including the expenses of any poll, shall be paid out of the poor rate; and where there is a parish council that council shall pay the said expenses of the parish meeting of the parish; and the parish council, and where there is no parish council the chairman of the parish meeting, shall, for the purpose of obtaining payment of such expenses, have the same powers

(1) Subsection (8) applies only to the Burial Acts, and is therefore not printed here.

(2) This section is materially affected by s. 6 of the Public Libraries Act, 1901, which see, *ante*, p. 33. See also notes to s. 18 (1) (*c*) of the principal Act, *ante*, p. 17. The limits of 3d. and 6d. in this section were increased by 33⅓% to 4d. and 8d. respectively by s. 75 of the Local Government Act, 1929.

as a *board of guardians* have for the purpose of obtaining contributions to their common fund.

(5) The demand note for any rate levied for defraying the expenses of a parish council or a parish meeting, together with other expenses, shall state in the prescribed form the proportion of the rate levied for the expenses of the council or meeting, and the proportion (if any) levied for the purpose of any of the adoptive Acts.

BORROWING POWERS,[1] S. 12.

12.—(1) A parish council for any of the following purposes that is to say—

(*a*) for purchasing any land, or building any buildings, which the council are authorised to purchase or build; and

(*b*) for any purpose for which the council are authorised to borrow under any of the adoptive Acts; and

(*c*) for any permanent work or other thing which the council are authorised to execute or do, and the cost of which ought, in the opinion of the county council and the *Local Government Board* [Ministry of Health],[2] to be spread over a term of years;

may, with the consent of the county council and the [Ministry of Health],[2] borrow money in like manner and subject to the like conditions as a local authority may borrow for defraying expenses incurred in the execution of the Public Health Acts, and sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine of the Public Health Act, 1875,[3] shall apply accordingly, except that the money shall be borrowed on the security of the poor rate and of the whole or part of the revenues of the parish council, *and except that as respects the limit of the sum to be borrowed, one half of the assessable value shall be substituted for the assessable value for two years.*[4]

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(1) See also s. 19 of the principal Act, *ante*, p. 18. As to borrowing powers generally and as to repayment and also footnote to s. 233 of the Public Health Act, 1875, *ante*, p. 49.

(2) Now the Ministry of Health, see Ministry of Health Act, 1919, s. 3 (1) (*a*), *post*, p. 102.

(3) See p. 49, *ante*.

(4) The words in italics are repealed as from the 1st October, 1929, by the Local Government Act, 1929, ss. 74, 137, 12th sch., Part V.

(2) A county council may lend to a parish council any money which the parish council are authorised to borrow, and may, if necessary, without the sanction of the [Ministry of Health], and irrespectively of any limit of borrowing, raise the money by loan, subject to the like conditions and in the like manner as any other loan for the execution of their duties, and subject to any further conditions which the [Ministry of Health] may by general or special order impose.

(3) A parish council shall not borrow for the purposes of any of the adoptive Acts otherwise than in accordance with this Act, but the charge for the purpose of any of the adoptive Acts shall ultimately be on the rate applicable to the purposes of that Act.

QUALIFICATION OF COMMISSIONERS,[1] S. 46.

46.—(1) A person shall be disqualified for being elected or being a member or chairman of a council of a parish or of a district other than a borough or of a *board of guardians*[2] [or a library commissioner][1] if he—

(*a*) is an infant or an alien; or

(*b*) has within twelve months before his election, or since his election, received union or parochial relief; or

(*c*) has, within five years before his election or since his election, been convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, been adjudged bankrupt, or made a composition or arrangement with his creditors; or

(*d*) holds any paid office under the parish council or district council or *board of guardians*,[2] as the case may be; or

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(1) Applied to library commissioners as if a library authority, being a body of commissioners appointed under the principal Act, were one of the authorities mentioned in this section. See Public Libraries Act, 1901, s. 2 (2), *ante*, p. 31. See also ss. 5 to 8 of the principal Act, *ante*, pp. 9 and 10.

(2) It might here be mentioned that so far as this section relates to boards of guardians it was repealed by the Poor Law Act, 1927, and replaced by s. 7 of that Act, which latter section was itself repealed by the Local Government Act, 1929

(*e*) is concerned in any bargain or contract entered into with the council or board, or participates in the profit of any such bargain or contract or of any work done under the authority of the council or board.

(2) Provided that a person shall not be disqualified for being elected or being a member or chairman of any such council or board by reason of being interested—

(*a*) in the sale or lease of any lands or in any loan or money to the council or board, or in any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or

(*b*) in any newspaper in which any advertisement relating to the affairs of the council or board is inserted; or

(*c*) in any contract with the council or board as a shareholder in any joint stock company; but he shall not vote at any meeting of the council or board on any question in which such company are interested, except that in the case of a water company or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the county council.

(3) Where a person who is a parish councillor, or is a candidate for election as a parish councillor, is concerned in any such bargain or contract, or participates in any such profit, as would disqualify him for being a parish councillor, the disqualification may be removed by the county council if they are of opinion that such removal will be beneficial to the parish.

(4) Where a person is disqualified by being adjudged bankrupt or making a composition or arrangement with his creditors, the disqualification shall cease, in case of bankruptcy, when the adjudication is annulled, or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct

on his part, and, in case of composition or arrangement, on payment of his debts in full.

(5) [*Disqualification for guardian.*]

(6) If a member of a council or a parish, or of a district other than a borough, or of a board of guardians, is absent from meetings of the council or board for more than six months consecutively, except in case of illness or for some reason approved by the council or board, his office shall on the expiration of those months become vacant.

(7) Where a member of a council or board of guardians becomes disqualified for holding office, or vacates his seat for absence, the council or board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the clerk of the council or board, and notified in such manner as the council or board direct, and the office shall thereupon become vacant.

(8) If any person acts when disqualified, or votes when prohibited under this section, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(9) This section shall apply in the case of any authority whose members are elected in accordance with this Act in like manner as if that authority were a district council, *and in the case of London auditors as if they were members of a district council.*[1]

SUPPLEMENTAL PROVISIONS AS TO ADOPTIVE ACTS,[2] S. 53.

53.—(1) Where on the appointed day[3] any of the adoptive Acts is in force in a part only of a rural parish, the existing authority under the Act, or the parish meeting for that part, may transfer the powers, duties, and liabilities of the authority to the parish council, subject to any conditions with respect to the execution thereof by means of a committee as to the authority or parish meeting may seem fit, and any such conditions may be altered by any such parish meeting.

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(1) The words in italics were repealed by the London Government Act, 1899.
(2) See also s. 7, *ante*, p. 74.
(3) As to "appointed day," see s. 84, *post*, p. 82.

(2) If the area on the appointed day[1] under any authority under any of the adoptive Acts will not after that day be comprised within one rural parish, the powers and duties of the authority shall be transferred to the parish councils of the rural parishes wholly or partly comprised in that area, or, if the area is partly comprised in an urban district, to those parish councils and the district council of the urban district, and shall, until other provision is made in pursuance of this Act, be exercised by a joint committee appointed by those councils. Where any such rural parish has not a parish council the parish meeting shall, for the purposes of this provision, be substituted for the parish council.

(3) The property, debts, and liabilities of any authority under any of the adoptive Acts whose powers are transferred in pursuance of this Act shall continue to be the property, debts, and liabilities of the area of that authority, and the proceeds of the property shall be credited, and the debts and liabilities and the expenses incurred in respect of the said powers, duties, and liabilities shall be charged to the account of the rates or contributions levied in that area, and where that area is situate in more than one parish the sums credited to and paid by each parish shall be apportioned in such manner as to give effect to this enactment.

(4) The county council on the application of a parish council may, by order, alter the boundaries of any such area if they consider that the alteration can properly be made without any undue alteration of the incidence of liability to rates and contributions or of the right to property belonging to the area, regard being had to any corresponding advantage to persons subject to the liability or entitled to the right.

JOINT COMMITTEES,[2] S. 57.

57.—(1) A parish or district council may concur with any other parish or district council or councils in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested, and

(1) As to "appointed day," see s. 84 *post*, p. 82.
(2) Applied to Libraries by the London Government Act, 1899, s. 8 (4), *post*, p. 86. See also Public Libraries (Amendment) Act, 1893, s. 4 (2), *ante*, p. 28.

in conferring, with or without conditions or restrictions, on any such committee any powers which the appointing council might exercise if the purpose related exclusively to their own parish or district.

(2) Provided that a council shall not delegate to any such committee any power to borrow money or make any rate.

(3) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of any of the councils who appointed it.

(4) The costs of a joint committee under this section shall be defrayed by the councils by whom it is appointed in such proportions as they may agree upon, or as may be determined in case of difference by the [Ministry of Health].[1]

(5) Where a parish council can under this Act be required to appoint a committee consisting partly of members of the council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the parish councils concerned at the time of the appointment of such committee.

AUDIT OF ACCOUNTS OF DISTRICT AND PARISH COUNCILS, S. 58.[2]

58.—(1) The accounts of the receipts and payments of parish and district councils, and of parish meetings for parishes not having parish councils, and their committees and officers, shall be made up yearly to the thirty-first day of March, [or in the case of accounts which are required to be audited half-yearly, then half-yearly to the thirtieth day of September and the thirty-first day of March in each year,[3]] and in such form as the [Ministry of Health] prescribe.

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(1) The words "Ministry of Health" are substituted for "county council" in accordance with s. 8 (4) of the London Government Act, 1899, *post*, p. 86.

(2) As to the audit of accounts generally, see s. 20, and footnotes thereto, of the Public Libraries Act, 1892, *ante*, p. 19.

(3) Sub-sections (1) and (2) of this section were amended by the Audit (Local Authorities, etc.) Act, 1922, s. 1, which reads as follows :—"Where it is provided by any enactment (whether contained in a general or in any other Act) that any accounts subject to audit by district auditors are to be made up and audited half-yearly, those accounts shall, notwithstanding the said enactment, be made up yearly to the thirty-first day of March, or such other date as the Minister of Health may by general or special order direct, and audited once in every year."

(2) The said accounts shall, except in the case of accounts audited by the auditors of a borough, (but inclusive of the accounts of a joint committee appointed by a borough council with another council not being a borough council,) be audited by a district auditor, and the enactments relating to audit by district auditors of accounts of urban sanitary authorities and their officers, and to all matters incidental thereto and consequential thereon, shall apply accordingly, [except that in the case of the accounts of rural district councils, their committees and officers, the audit shall be half-yearly instead of yearly.][1]

(3) The [Ministry of Health] may, with respect to any audit to which this section applies, make rules modifying the enactments as to publication of notice of the audit and of the abstract of accounts and the report of the auditor.

(4) Every [local government] elector of a rural parish may, at all reasonable times, without payment, inspect and take copies of and extract from all books, accounts, and documents belonging to or under control of the parish council of the parish or parish meeting.

(5) Every [local government] elector of a parish in a rural district may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the district council of the district.

APPOINTED DAY, S. 84.[2]

84.—(1)

(2)

(3)

(4) Subject as in this Act mentioned, "the appointed day" shall,

(*a*) for the purpose of elections and of parish meetings in parishes not having a parish council, be the day or respective days fixed for the first elections under this Act, or such prior day as may be necessary for the purpose of giving notices or

(1) See footnote (3) on p. 81.
(2) Sub-sections (1) to (3) of this section were repealed by the Statute Law Revision Act, 1908.

doing other acts preliminary to such elections; and

(*b*) for the purpose of the powers, duties, and liabilities of councils or other bodies elected under this Act, or other matters not specifically mentioned, be the day on which the members of such councils or other bodies first elected under this Act come into office; and

(*c*) for the purpose of powers, duties, and liabilities transferred to a council of a borough by this Act, be the first day of November next after the passing of this Act;[1]

and the lists and registers of [local government] electors shall be made out in such parts as may be necessary for the purpose of the first elections under this Act.

Provided that where an order of a county council postpones the operation of the section with respect to highways as respects their county or any part thereof the day on which such postponement ceases shall, as respects such county or part, be the appointed day, and the order of postponement shall make such provision as may be necessary for holding elections of highway boards during the interval before the appointed day.

(1) This Act was passed on the 5th March, 1894.

Metropolitan Boroughs—Adoption—Committees—Rates.

London Government Act, 1899.
(62 & 63 Vict. c. 14.)

TRANSFER TO BOROUGH COUNCILS OF POWERS FROM VESTRIES AND DISTRICT BOARDS, S. 4.[1]

4.—(1) *On the appointed day*[2] every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, *as from the appointed day*,[2] be transferred to the council for the borough comprising the area within which those powers are exercised, and their property and liabilities shall be transferred to that council, and that council shall be their successors, and the clerk of the council shall be called the town clerk, and shall be the town clerk within the meaning of the Acts relating to the registration of electors.

Provided that in the case of borrowing powers so transferred, if the London County Council refuse their sanction, or do not within six months after application made give their sanction, to a loan, or attach conditions to their sanction, an appeal shall lie to the [Ministry of Health] whose decision shall be final.

(2) Where any of the adoptive Acts is adopted within a borough, the borough council shall be the authority for administering the Act; *and where any such Act has been adopted before the appointed day, and is administered by commissioners or a board, a scheme under this Act shall abolish the commissioners or board, and transfer their powers, duties, property, and liabilities to the borough council.*[2]

(3) The powers of a borough council shall, save as in this Act mentioned, extend to the whole of their borough.

Provided that any power or duty of the council under any Act, whether general or local, conferring powers in relation to some particular parish or district, or part of a parish or district, shall be exercised and performed by the council

(1) This section replaces s. 22 of the principal Act, see footnote to that section, *ante*, p. 20.
(2) The words in italics were repealed by the Statute Law Revision Act, 1908.

either throughout the borough or in a limited part thereof, or shall cease to be exercised and performed, as may be provided by a scheme under this Act, having regard to the object of the Act under which the power or duty arises, and to the nature of any change of area or alteration of boundary made by or under this Act.

(4) Any of the adoptive Acts may be adopted in a metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive Acts *adopted before the appointed day*[1] does not extend to the whole borough, the Act may be adopted in the rest of the borough in like manner as if it were a separate borough and the borough council were the council thereof.

COMMITTEES, S. 8.

8.—(1) Any committee appointed by a borough council for the purpose of the Public Libraries Acts, 1892 and 1893,[2] may consist partly of persons not members of the council.

(2) Every committee shall report their proceedings to the council, but, to the extent to which the council so direct, the acts and proceedings of the committee shall not require the approval of the council. Provided that a committee shall not raise money by loan or by rate, or spend any money beyond the sum allowed by the council.

(3) Every borough council shall from time to time appoint a finance committee for regulating and controlling the finance of the council; and no order for payment of any sum, whether on account of capital or income, shall be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of the finance committee; and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee. The notice of the meeting at which any resolution for the payment of any sum by the borough council (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding

(1) The words in italics were repealed by the Statute Law Revision Act, 1908.
(2) Public Libraries Act, 1892, s. 15, *ante*, p. 14; Public Libraries Amendment Act, 1893, s. 4 (2), *ante*, p. 28.

fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred. Provided that the foregoing provisions shall not apply to payments made in pursuance of a precept from another authority.

(4) Section fifty-seven of the Local Government Act, 1894,[1] which relates to joint committees, shall, with the substitution of the words [Ministry of Health] for County Council therein, apply to borough councils as if they were district councils.

LEVY OF RATES, S. 10.[2]

10.—(1) A scheme under this Act shall provide for all the expenses of a borough council being paid out of the general rate, and for the discontinuance of a separate sewers rate and separate lighting rate, but shall make provision for protecting the interests of owners and occupiers of any hereditament which is exempt from any rate or liable to be assessed thereto at a less amount than other hereditaments.

(2) *After the appointed day*[3] the general rate and the poor rate shall be assessed, made, and levied together by the borough council as one rate, which shall be termed the general rate, and shall be assessed, made, collected, and levied, as if it were the poor rate, and all enactments applying or referring to the poor rate shall, subject to the provisions of this Act as to audit, be construed as applying or referring also to the general rate.

(3) Where a borough comprises more than one parish, the amount to be raised to meet the expenses of the borough council, or other sums payable as part of those expenses, shall, subject to any provision required for the adjustment of local burdens, be divided between the parishes in proportion to their rateable value.

(4) Where any of the adoptive Acts, or any local or other Act, does not extend to the whole borough, any rate required to meet the expenses incurred under the Act shall, subject to the provisions of any scheme under this Act, be levied together with, and as an additional item of, the general rate over the area to which the Act extends.

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(1) *Ante*, p. 80.
(2) See also s. 18 and footnotes thereto of the principal Act, *ante*, p. 16.
(3) The words in italics were repealed by the Statute Law Revision Act, 1908.

Income Tax.

Exemption from the payment of income tax in respect to public libraries was formerly under the Income Tax Act, 1842, s. 61, No. VI, but this Act was repealed by the consolidating Act of 1918. Exemption is now under s. 37, schedule A. VI, 1 (e) of the 1918 Act, below, which corresponds to s. 61, No. VI of the 1842 Act.

Income Tax Act, 1918.
(8 & 9 Geo. 5. c. 40.)

37.—(1) Exemption shall be granted—

(*a*) from tax under Schedule A in respect of the rents and profits of any lands, tenements, hereditaments, or heritages belonging to any hospital, public school or almshouse, or vested in trustees for charitable purposes, so far as the same are applied to charitable purposes only :

Provided that any assessment upon the respective properties shall not be vacated or altered, but shall be in force and levied, notwithstanding the allowance of any such exemption.

SCHEDULE A.

RULES APPLICABLE TO SCHEDULE A.

No. VI.—Rules in respect of further Allowances.

1. The following further allowances shall be made under this Schedule :—

(*e*) The amount of the tax charged on any building being the property of any literary or scientific institution,[1] and used solely for the purposes of that institution, in which no payment is made or demanded for any

(1) In *Mayor, etc. of Manchester* v. *McAdam*, [1896] A.C. 500, it was held that a public library must be included in the description "literary or scientific institution."

instruction there afforded by lectures or otherwise, and so far as not occupied by an officer of the institution or by any person paying rent for the same.

2. The allowances under the foregoing rule shall be granted by the general commissioners for the division.

BRITISH MUSEUM.

Section 38 of the Income Tax Act, 1918, provides for exemption for the British Museum as follows :—

38. The Trustees of the British Museum shall be granted exemption from tax under Schedule A in respect of the lands and tenements vested in them, and shall also be granted the like exemptions in respect of any dividends of stock vested in them, or in any other person for their use, as are granted to charitable institutions under this Act.

Compulsory Purchase of Land.

Education Act, 1921.[1]
(11 & 12 Geo. 5. c. 51, s. 111 & 5th Sch.)

111.[2] A [library authority] may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under this Act by means of an order submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in the Fifth Schedule to this Act.

FIFTH SCHEDULE.[2]

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND.

(1) Where a [library authority][2] propose to purchase land compulsorily under this Act, the [library authority][2] may submit to the Board of Education an order putting in force as respects the land specified in the order the provisions of the Land Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this Schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

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(1) Applied to libraries by the Public Libraries Act, 1919, s. 6. This s. 111 corresponds to, and takes the place of, s. 34 of the Education Act, 1918, referred to in s. 6 of the Public Libraries Act, 1919. The Education Act, 1918, was almost completely repealed by the present consolidating Act of 1921 and references to the Education Acts, 1870 to 1918, must be construed as being references to the Act of 1921. See also s. 6 and the footnotes thereto, of the Public Libraries Act, 1919, *ante*, p. 42, and S.R.O. 1925, No. 1236, *post*, p. 92.

(2) In accordance with s. 6 of the Public Libraries Act, 1919, references to "local education authority" in this Act have, for public library purposes, been substituted by the words "library authority." The words "this Act" occurring throughout this section and schedule must be construed as meaning "the Public Libraries Acts" and anything done in accordance with the provisions set out in the schedule will be done under the authority of the Public Libraries Acts, 1892 to 1919, and not the Education Act, 1921. As to this matter see also S.R.O. 1925, No. 1236, Article 9, on p. 95, *post*.

(3) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the [library authority] and the persons interested in the land, and shall incorporate, subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*b*) sections seventy-seven to eighty-five of the Railways Clauses Consoldation Act, 1845.

(4) The order shall be published by the [library authority] in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed.

(5) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall without further inquiry confirm the order unless they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired; but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the [library authority] and all persons interested in the land and such other persons, as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(6) Where the land proposed to be acquired under the order consists of or comprises land situate in London, or a borough, or urban district, the Board shall appoint an impartial person, not in the employment of any Government Department, to hold the inquiry as to whether the land proposed to be acquired is suitable for the purposes for which it is sought to be acquired, and whether, having regard to the extent or situation of the land and the purposes for which it is used, the land can be acquired without undue detriment to the persons interested therein or the owners

of adjoining land, and such person shall have for the purpose of the inquiry all the powers of an inspector of the Ministry of Health, and, if he reports that the land, or any part thereof, is not suitable for the purposes for which it is sought to be acquired, or that, owing to its extent or situation or the purpose for which it is used, it cannot be acquired without such detriment aforesaid, or that it ought not to be acquired except subject to the conditions specified in his report, then, if the Board confirm the order in respect of that land, or part thereof, or, as the case may require, confirm it otherwise than subject to such modifications as are required to give effect to the specified conditions, the order shall be provisional only, and shall not have effect unless confirmed by Parliament.

Where no part of the land is so situated as aforesaid, before confirming the order, the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(7) Where the land proposed to be acquired is the site of an ancient monument or other object of archæological interest or is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking or at the date of the order forms part of any park, garden or pleasure ground or is otherwise required for the amenity or convenience of any dwelling house, the order shall be provisional only and shall not have effect unless confirmed by Parliament.

(8) In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the [library authority] shall be deemed to be the promoters of the undertaking.

(9) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Act, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to

them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(10) In this Schedule the expression "prescribed" means prescribed by the Board of Education.

Board of Education (Compulsory Purchase) Regulations, 1925.

(S.R.O. 1925, No. 1236.)

THE BOARD OF EDUCATION (COMPULSORY PURCHASE) REGULATIONS, 1925, DATED DECEMBER 7, 1925, MADE BY THE BOARD OF EDUCATION UNDER SECTION 111 OF THE EDUCATION ACT, 1921[1] (11 & 12 GEO. 5. C. 51), AND SECTION 6 OF THE PUBLIC LIBRARIES ACT, 1919[2] (9 & 10 GEO. 5. C. 93).[3]

The Board of Education hereby make the following Regulations :—

Article 1.—These Regulations may be cited as the Board of Education (Compulsory Purchase) Regulations, 1925.

Article 2.—The Education (Compulsory Purchase) Regulations, 1919,[4] made by the Board of Education on the 18th November, 1919, are hereby revoked.

Article 3.—An Order made by a *Local Education Authority*[3] under Section 111 of the Education Act, 1921 (hereinafter referred to as "the Compulsory Order") shall be in the form set forth in the Schedule hereto, or in a form to the like effect.

Article 4.—(1) Before submitting the Compulsory Order to the Board for confirmation, the *Local Education Authority*[3] shall cause the same to be published by advertisement in two successive weeks in one or more of the local newspapers circulating in the area of the *Local Education Authority*[3] and in the parish or parishes in which the land to which the Compulsory Order relates is situated.

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(1) *Ante*, p. 89.
(2) *Ante*, p. 42.
(3) For the words "Local Education Authority" in the following regulations, read "Library Authority." It is as well to read Article 9 of these regulations first. See also Public Libraries Act, 1919, s. 6, and the Education Act, 1921 s. 111 and 5th sch.
(4) S.R.O. 1919, No. 1659.

(2) The advertisements shall be headed respectively "First Advertisement" and "Second and Last Advertisement," and the first of the said advertisements shall be published not later than one calendar month after the making of the Compulsory Order.

(3) Each of the said advertisements shall contain in addition to a copy of the Compulsory Order a notice setting out the following particulars :—

(*a*) a statement that any objection to the Compulsory Order must be presented to the Board of Education within the period of one calendar month from and after the date of the publication of the second and last advertisement; and

(*b*) a statement of the period, times, and place or places during and at which the deposited plan referred to in the Schedule to the Compulsory Order may be inspected by or on behalf of any person interested in the land to which the Compulsory Order relates.

(4) The plan referred to in the Schedule to the Compulsory Order shall be deposited by the *Local Education Authority*[1] not later than the date of publication of the first advertisement at a place convenient for the purposes of inspection, and shall be kept deposited thereat till the expiration of a period not being less than one calendar month from the date of the publication of the second and last advertisement; and the said plan shall be open for inspection by any person interested or affected, without payment of any fee, at all reasonable hours on any week-day during the said period. The *Local Education Authority*[1] shall also make suitable provision for affording to any such person inspecting the said plan any necessary explanation or information in regard thereto.

Article 5.—(1) The *Local Education Authority*[1] shall, not later than the date of publication of the first advertisement, cause notice of the Compulsory Order to be given to every owner, lessee, and occupier of the land to which the Compulsory Order relates, and every such notice shall

(1) For "Local Education Authority" read "Library Authority."

include a copy of the Compulsory Order, to which shall be appended a notice containing the particulars mentioned in paragraph (3) of Article 4 of these Regulations.

(2) The *Local Education Authority*[1] shall furnish a copy of the Compulsory Order, free of charge, to any person interested in the land to which the Compulsory Order relates, upon his applying for the same.

Article 6.—The period within which an objection to a Compulsory Order may be presented to the Board of Education by a person interested in the land to which the Compulsory Order relates shall be the period of one calendar month from and after the date of the publication of the second and last advertisement of the Compulsory Order.

Article 7.—(1) The *Local Education Authority*[1] shall as soon as practicable after the confirmation of the Compulsory Order cause a copy of the Compulsory Order as confirmed to be served on every owner, lessee, and occupier of the land to which the Compulsory Order relates.

(2) A copy of the Compulsory Order as confirmed shall be furnished free of charge by the *Local Education Authority*[1] to any person interested in the land authorised to be purchased upon his applying for the same, and a copy of any plan to which reference is made in the Compulsory Order as confirmed shall also be furnished by the *Local Education Authority*[1] to any such person upon his applying for such copy and paying the reasonable cost of preparing the same.

Article 8.—Every notice or other document which in pursuance of paragraph (1) of Article 5 or of paragraph (1) of Article 7 of these Regulations is required to be given or served by the *Local Education Authority*[1] to or on an owner, lessee, or occupier, shall be served—

(*a*) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent; or

(*b*) by leaving the same at the usual or last known place of abode of such person as aforesaid; or

(1) For "Local Education Authority" read "Library Authority."

(*c*) by post as a registered letter addressed to the usual or last known place of abode of such person; or

(*d*) in the case of a notice required to be served on a local authority or corporate body or company, by delivering the same to their clerk or secretary or leaving the same at his office with some person employed there, or by post as a registered letter addressed to such clerk or secretary at his office.

Article 9.—These Regulations shall apply with respect to any Order made by a Library Authority (being the Council of a County or County Borough) under Section 6 of the Public Libraries Act, 1919, and for that purpose references in the foregoing Articles and in the Schedule hereto to the Local Education Authority, the Education Act, 1921, and Section 111 of that Act shall be read respectively as references to the Library Authority, the Public Libraries Acts, 1892 to 1919, and Section 6 of the Public Libraries Act, 1919.

SCHEDULE.

The *Local Education Authority*[1] hereby make the following order :—

1. The *Local Education Authority*,[1] for the purpose of their powers and duties under the Education Act, 1921, and subject to the provisions of that Act, hereby put in force, as respects the land described in the Schedule hereto, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. For the purposes of *Section* 111 *of the Education Act*, 1921 [Section 6 of the Public Libraries Act, 1919], this Order shall have effect as if there were incorporated therewith, subject to the necessary adaptations, the Lands Clauses Acts (except Section 127 of the Lands Clauses Consolidation Act, 1845) and Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined in the manner provided by the

(1) For "Local Education Authority" read "Library Authority."

Acquisition of Land (Assessment of Compensation) Act, 1919.

3. *If any of the land described in the Schedule to this Order is glebe land or other land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of any such land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

4. This Order may be cited as the† Order, 19 .

The SCHEDULE above referred to.

Numbers on Plan deposited at the Offices of the	Quantity, Description and Situation of the Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.

Given under the Seal of the this day of 19 .

(L.S.)

Sealed by Order of the Board of Education this 7th day of December, 1925.

(L.S.) AUBREY V. SYMONDS.

* Insert this Article where the lands described in the Schedule to the Order include glebe land or other land belonging to an ecclesiastical benefice.
† Here insert a suitable short title.

Rates.

RATING AND VALUATION ACT, 1925.[1]

(15 & 16 Geo. 5. c. 90, ss. 2 (6), 69 (1), (4), 70 (1), (2), 8th sch.)

2.—(6) Expenses incurred under the Public Libraries Acts, 1892 to 1919, by the library authority (not being a county council) of a library district being a parish shall, instead of being defrayed out of a rate raised in manner provided by paragraph (c) of subsection (1) of section eighteen of the Public Libraries Act, 1892,[2] be levied in the library district by the rating authority together with, and as an additional item of, the general rate.

69.—(1) The enactments mentioned in the Eighth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule, and so much of any other Act, whether public or local and personal, as authorises any valuation of a hereditament to be made for the purposes of any rate in respect of which the valuation list is by this Act made conclusive, or any assessment of any such rate to be made except on the basis of that valuation list, shall also be repealed.

(4) This section shall come into operation on such date as may be fixed by the Minister,[3] and the Minister may fix different dates for different purposes and in relation to different areas.

70.—(1) This Act shall not extend to Scotland, Northern Ireland or the administrative county of London.

(2) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the order, apply to the Isles of Scilly, but except as so applied this Act shall not apply to the said Isles.[4]

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(1) As to rates see also the Public Libraries Act, 1892, s. 18, *ante*, p. 16, and the London Government Act, 1899, s. 10, *ante*, p. 86.
(2) *Ante*, p. 16.
(3) 1st April, 1927. See Rating and Valuation Act (Repeals, etc.) Order, 1927, *post*, p. 98.
(4) See Rating and Valuation Act (Isles of Scilly) Order, 1927, *post*, p. 99.

EIGHTH SCHEDULE.[1]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	In subsection (1) of section eighteen the words from " and (c) where " to the end of the subsection.

Statutory Rules and Orders, of which only so much as relates to public libraries is printed below.

RATING AND VALUATION ACT (REPEALS, ETC.) ORDER, 1927.

(S. R. & O. 1927, No. 90.)

THE RATING AND VALUATION ACT (REPEALS, ETC.) ORDER, 1927, DATED FEBRUARY 19, 1927, MADE BY THE MINISTER OF HEALTH UNDER SECTION 69 (4) OF THE RATING AND VALUATION ACT, 1925 (15 & 16 GEO. 5. c. 90),[2] FOR FIXING THE DATES UPON WHICH THE SAID SECTION 69 SHALL COME INTO OPERATION FOR DIFFERENT PURPOSES AND IN RELATION TO DIFFERENT AREAS.

1. This Order may be cited as the Rating and Valuation Act (Repeals, etc.) Order, 1927, and shall come into operation on the date hereof.

2. In this order,—

" the Act of 1925 " means the Rating and Valuation Act, 1925; " the appointed day " means the first day of April, 1927.

5. Subsection (1) of section 69 of the Act of 1925 shall come into operation on the dates hereinafter mentioned, that is to say :—So far as it repeals the enactments specified in part I of the schedule to this order, on the appointed day.

(1) There is here printed only an extract from the 8th schedule, the remainder does not apply to public libraries.
(2) *Ante*, p. 97.

6. This Order does not apply to Scotland, Northern Ireland, the Administrative County of London, or the Isles of Scilly.[1]

SCHEDULE.

PART I.

ENACTMENTS REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	In subsection (1) of section eighteen the words from "and (*c*) where" to the end of the subsection.

THE ISLES OF SCILLY ORDER, 1927.

(S. R. & O. 1927, No. 59.)

THE ISLES OF SCILLY ORDER, 1927, DATED FEBRUARY 11, 1927, MADE BY THE MINISTER OF HEALTH UNDER SECTION 70 OF THE RATING AND VALUATION ACT, 1925 (15 & 16 GEO. 5. c. 90),[2] FOR APPLYING THE SAID ACT TO THE ISLES OF SCILLY SUBJECT TO CERTAIN EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS.

1. This Order may be cited as the Isles of Scilly Order, 1927, and shall come into operation on the date hereof.

2.—(1) In this Order unless the context otherwise requires,—

"the Act" means the Rating and Valuation Act, 1925;

"the appointed day" means the first day of April, 1927.

3. Subject to the provisions hereinafter contained and to the exceptions, adaptations and modifications specified in

(1) But see the following S. R. & O., the Isles of Scilly Order.
(2) *Ante*, p. 97.

the First Schedule hereto, the Act shall apply to the Isles of Scilly.[1]

11. . . . and the enactments mentioned in Cols. 1 and 2 of the Second Schedule to this Order shall, to the extent specified in Col. 3 of that Schedule, be repealed so far as they apply to the Isles of Scilly as from the respective dates mentioned in that Schedule.

SECOND SCHEDULE.

PART I.

ENACTMENTS REPEALED WITH EFFECT FROM 1ST APRIL, 1927.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	In subsection (1) of section eighteen the words from "and (*c*) where" to the end of the subsection.

(1) That part of the Act affecting Libraries, viz., s. 2 (6), is hereby applied to the Isles of Scilly. The exceptions, etc. contained in the First Schedule to the Order do not affect public libraries in the Isles of Scilly.

Transfer of Powers.

Transfer of powers in Rural Parishes to Parish Meetings. See Local Government Act, 1894, *ante*, p. 74.

Transfer of powers to Borough Council from Vestries and District Boards (County of London). See London Government Act, 1899, *ante*, p. 84.

TRANSFER OF POWERS OF CHARITY COMMISSIONERS TO BOARD OF EDUCATION.

The Board of Education (Powers) Order in Council, 1902.[1]
(S. R. & O. 1902, No. 647.)

1. All powers (except the powers of appointing the Official Trustees of Charitable Funds, and of making orders for vesting or transferring lands or funds, in, to, or from the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds) conferred on the Charity Commissioners and their officers (except the said Official Trustees), by

(*a*) the enactments specified in the Schedule hereto, or any order, scheme, rule, regulation, form, or other instrument made under any of them : and

(*b*) any other enactment, charter, deed, will, order, scheme, rule, regulation, form, or other instrument,

shall, so far as those powers relate to endowments held solely for educational purposes, and so far as they have not been transferred to the Board of Education, be transferred to that Board.

2.—(1) For the purpose of the transfer effected by this Order,—

(*a*) In all enactments and instruments, provisions relating to the powers transferred shall be construed as if references to the Charity Commissioners and their officers, except the said Official Trustees, were references to the Board of Education and their

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(1) As to the effect of this Order, see s. 16 of the Public Libraries Act, 1892, *ante*, p. 15.

officers, and shall have effect as if everything required to be done to, by, or in relation to the Charity Commissioners and their officers, except the said Official Trustees, were required to be done to, by, or in relation to the Board of Education and their officers.

3. This Order shall come into operation on the 1st day of October, 1902, and may be cited as the Board of Education (Powers) Order in Council, 1902, and the Board of Education (Powers) Order in Council, 1900, the Board of Education (Powers) Order in Council, 1901, and this Order may be cited together as the Board of Education (Powers) Orders in Council, 1900 to 1902.

Schedule.[1]

55 & 56 Vict. c. 53. The Public Libraries Act, 1892.

TRANSFER OF POWERS OF LOCAL GOVERNMENT BOARD TO MINISTRY OF HEALTH.

Ministry of Health Act, 1919.

(9 & 10 Geo. 5. c. 21.)

1. For the purpose of promoting the health of the people throughout England and Wales, and for the purpose of the exercise of the powers transferred or conferred by this Act, it shall be lawful for His Majesty to appoint a Minister of Health (hereinafter called "the Minister"), who shall hold office during His Majesty's pleasure.

3.—(1) There shall be transferred to the Minister—

(*a*) all the powers and duties of the Local Government Board.

(5) In connection with the transfer of powers and duties to or from the Minister by or under this Act, the provisions set out in the First Schedule to this Act shall have effect.

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(1) Including the Public Libraries Act, 1892, there are 29 statutes mentioned in the Schedule.

FIRST SCHEDULE.

TRANSITORY PROVISIONS.

1. In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer to or from the Minister from or to any other Government department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose of such transfer, the name of the Minister or of the other Government department shall be substituted for the name of the other Government department or of the Minister, as the case may require.

2. Where anything has been commenced by or under the authority of any other Government department or the Minister before the transfer to the Minister or another Government department of any powers or duties by or under this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Minister or the other Government department, as the case may be.

3. Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which any Government department or the Minister is a party, and such proceeding has reference to the powers and duties transferred by or under this Act, the Minister or the other Government department shall be substituted in such proceeding for the other Government department or the Minister, as the case may be and such proceeding shall not abate by reason of the substitution.

TRANSFER OF POWERS OF MINISTRY OF HEALTH TO BOARD OF EDUCATION.

The Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order, 1920.

(S. R. & O. 1920, No. 810.)

1. This Order may be cited as the Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order, 1920.

2. On and after the 17th day of May, 1920, the powers and duties of the Minister of Health specified in the Schedule hereto shall be transferred to the Board of Education.

3. On and after the 17th day of May, 1920, the notices required by subsection (4) of section 3 of the Museums and Gymnasiums Act, 1891, and section 8 of the Public Libraries Act, 1901,[1] shall be given to the Board of Education in addition to the Minister of Health.

SCHEDULE.

Statute conferring power or duty.	Power or duty transferred to the Board of Education.
Public Health Act, 1875, s. 184,[2] as applied by s. 7 (2) of the Museums and Gymnasiums Act, 1891.	To confirm, allow or disallow byelaws made by an urban authority for regulating the conduct of persons admitted to museums and gymnasiums.
Public Health Act, 1875, s. 184,[2] as applied by s. 3 (2) of the Public Libraries Act, 1901.[3]	To confirm, allow or disallow byelaws made by a library authority for certain purposes relating to libraries, museums, art schools and galleries.
Museums and Gymnasiums Act, 1891[4]—	
S. 12 (1) - - -	To consent to the sale by an urban authority of a museum or gymnasium which is unnecessary or too expensive.
S. 12 (2) - - -	To approve the application of moneys arising from such sale, after repayment of any loan, so far as such moneys are applied for the purpose of a museum or gymnasium or for library or educational purposes, but not otherwise.
Public Libraries Act, 1892[5]—	
S. 12 (3) - - -	To sanction the sale or exchange of land vested in a library authority and to approve the application of the moneys arising from the sale or received by way of equality of exchange, so far as such moneys are applied for library or educational purposes, but not otherwise.

(1) *Ante*, p. 33. (2) *Ante*, p. 47. (3) *Ante*, p. 32.
(4) *Ante*, p. 72. (5) *Ante*, p. 13.

Miscellaneous Legislation.

Malicious Damage Act, 1861.[1]
(24 & 25 Vict. c. 97, s. 39.)

39. Whosoever shall unlawfully and maliciously destroy or damage any Book, Manuscript, Picture, Print, Statue, Bust, or Vase, or any other Article or Thing kept for the purposes of Art, Science, or Literature, or as an Object of Curiosity, in any Museum, Gallery, Cabinet, Library, or other Repository, which Museum, Gallery, Cabinet, Library, or other Repository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the Proprietor thereof or by the payment of money before entering the same, or any Picture, Statue, Monument, or other Memorial of the Dead, painted Glass, or other Ornament or Work of Art, in any Church, Chapel, Meeting House, or other Place of Divine Worship, or in any Building belonging to the [King], or to any County, Riding, Division, City, Borough, *Poor Law Union*,[2] Parish, or Place, or to any University, or College or Hall of any University, or to any Inn of Court, or in any Street, Square, Churchyard, Burial Ground, Public Garden or Ground, or any Statue or Monument exposed to Public view, or any Ornament, Railing, or Fence surrounding such Statue or Monument, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour, and, if a Male under the Age of Sixteen Years, with or without Whipping: provided that nothing herein contained shall be deemed to affect the Right of any Person to recover, by Action at Law, Damages for the Injury so committed.

Ecclesiastical Commissioners Act, 1866.[1]
(29 & 30 Vict. c. 111, s. 7.)

7. Whereas there is in the Palace at Lambeth a Library, to which the Public have for a long Period had Access at certain Times and under certain Restrictions, the Cost of

(1) Short title given by the Short Titles Act, 1896.
(2) The words "poor law union" repealed by the Local Government Act, 1929, s. 137 and 12th sch., Part I.

the Custody and Maintenance of which has been heretofore defrayed out of the gross Revenues arising from the Estates of the See of Canterbury: And whereas such Estates have now become transferred to the Ecclesiastical Commissioners for England: Be it enacted, That the Cost of the Maintenance of such Library, and of the Custody of the Books therein, may, if the said Commissioners think fit, by the like Authority, of a Scheme passed by the Commissioners and an Order of [His] Majesty in Council[1] ratifying the same, be defrayed out of the Rents and Profits of such Estates.

Public Health Acts Amendment Act, 1907.

(7 Ed. 7. c. 53, s. 59.)

INFECTED PERSONS, PROVISIONS AS TO USE OF LIBRARY BOOKS.[2]

59.—(1) If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority that the book has been so exposed to infection, and the local authority shall cause the book to be disinfected and returned to the library, or to be destroyed.[3]

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(1) There seems to have been no Order under this section.

(2) This section extends to only those districts to which it has been applied by Order of the Ministry of Health, such orders being readily granted on the application of any local authority.

(3) In some localities such books are destroyed only in cases of certain infectious diseases, in others all infected books are destroyed. Where books are not actually destroyed they are disinfected and returned to the library by the local authority. It is sometimes the custom to send any confiscated book to the local hospitals, a practice rather to be avoided than followed.

(4) The local authority shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.[1]

(5) If any person acts in contravention of or fails to comply with this section, he shall be liable in respect of each offence to a penalty not exceeding forty shillings.[2]

Manorial Documents.

As many public librarians are also custodians of Manorial and other local documents, records and archives,[3] it has been thought advisable to include the following legislation.

Law of Property Act, 1922.
(12 & 13 Geo. 5. c. 16, s. 144 as amended.[4])

144. Any person interested in enfranchised land may on payment of the fee prescribed by the Lord Chancellor, inspect at any reasonable hour any Court Rolls of the manor of which the land was held; and Court Rolls shall (whether before or after the manorial incidents have been extinguished), for the purposes of section fourteen of the Evidence Act, 1851,[5] be deemed to be documents of such a public nature as to be admissible in evidence on their mere production from the proper custody.

144A.—(1) All manorial documents shall be under the charge and superintendence of the Master of the Rolls.

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(1) In the case of a book belonging to a commercial circulating library, compensation is paid by the local authority to the owner of such library, but in the case of public library books the Medical Officer of Health for the district compensates the library authority out of monies allowed for that purpose by the Ministry of Health.

(2) As to offences in Libraries, see the Libraries Offences Act, 1898, *ante*, p. 28.

(3) For list of public libraries having charge of such documents, records or archives, see the latest edition of the "Librarian's Guide" (The Literary Year Book Press Ltd., Liverpool).

(4) This section was amended by the Law of Property Act, 1924 (15 Geo. 5, c. 5, s. 2, and 2nd Schedule), as follows:—

"2. The principal Act shall be amended . . . in the manner appearing in the Second Schedule to this Act."

The said Second Schedule contains detailed amendments, number two of which reads: "The following section shall be inserted after section one hundred and forty-four of the principal Act." This section to be inserted is reprinted above, 144A.

(5) Section 14 of the Evidence Act, 1851, enacts that whenever any book or document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, any copy thereof or extract therefrom shall be admissible in evidence in any Court of Justice, provided it be proved to be an examined copy or extract.

(2) Save as hereinafter provided, manorial documents shall remain in the possession or under the control of the lord for the time being of the manor to which the same relate and he shall not be entitled to destroy or damage wilfully such documents.

(3) The Master of the Rolls may from time to time make such enquiries as he shall think fit for the purpose of ascertaining that any manorial documents are in the proper custody, and are being properly preserved, and the lord of the manor to which such documents relate, or the governing body of any public library, or museum or historical or antiquarian society, to which the same may have been transferred, as hereinafter provided, shall furnish the Master of the Rolls with all such information with respect thereto as he may require.

(4) The Master of the Rolls may direct that any manorial documents which, in his opinion, are not being properly preserved, or which he is requested by the lord of a manor to deal with under this subsection, shall be transferred to the Public Record Office, or to any public library, or museum or historical or antiquarian society, which may be willing to receive the same, and if the same shall be transferred to any public library, or museum or historical or antiquarian society, the governing body thereof shall thereafter have the custody thereof and shall be responsible for the proper preservation and indexing thereof.

(5) Nothing contained in this section shall prejudice or affect the right of any person to the production and delivery of copies of any manorial documents or to have the same kept in a proper state of preservation; in particular the lord of the manor shall remain entitled to require the same to be produced to him or in accordance with his directions, free of any cost.

(6) In this section "manorial documents" mean court rolls, surveys, maps, terriers, documents and books of every description relating to the boundaries, franchises, wastes, customs or courts of a manor, but do not include the deeds and other instruments required for evidencing the title to a manor; "manor" includes a lordship and a reputed lordship; and "lord of the manor" includes any person entitled to manorial documents.

(7) The Master of the Rolls may make rules for giving effect to this section, and may revoke or vary any such rules.[1]

Manorial Document Rules, 1926.

(S. R. O. 1925, No. $\frac{1310}{\text{L.49.}}$)

THE MANORIAL DOCUMENTS RULES, 1926, DATED DECEMBER 23, 1925, MADE BY THE MASTER OF THE ROLLS UNDER SECTION 144A (7) OF THE LAW OF PROPERTY ACT, 1922 (12 & 13 GEO. 5. C. 16).[2]

In pursuance of the powers conferred on me by sub-section (7) of Section 144A of the Law of Property Act, 1922, I hereby make the following Rules :—

1. These Rules may be cited as the Manorial Documents Rules, 1926.

2. In these Rules unless the context otherwise requires—

"Governing body" means the governing body of any public library, or museum or historial or antiquarian society.

"Lord of the manor" means the lord for the time being of the manor, or any person entitled to manorial documents.

"Manorial documents" mean Court rolls, surveys, maps, terriers, documents and books of every description relating to the boundaries, franchises, wastes, customs or courts of a manor, whether in being on 1st January, 1926, or obsolete, but do not include the deeds or other instruments required for evidencing the title to a manor.

The Interpretation Act, 1889, (*a*) applies to these Rules.

Manorial documents in the possession or under the control of the Lord of the Manor.

3. The lord of the manor shall cause all manorial documents in his possession or under his control when not in use to be kept in receptacles suitable for their safe and proper preservation, approved by or on behalf of the Master of the Rolls.

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(1) See the Manorial Documents Rules, 1926, above.
(2) See *ante*, p. 107.
(*a*) 52-3 V. c. 63.

4. The lord of the manor shall report to the Deputy-Keeper of the Public Records whether any such documents are damaged or decayed, so that the Deputy-Keeper may give direction for their renovation or repair, and the lord of the manor shall so far as he is able carry out such direction.

5. Whenever a change occurs in the ownership of manorial documents that change must be notified to the Deputy-Keeper of the Public Records.

Manorial documents transferred to the custody of the governing body of a public library, or museum or historical or antiquarian society.

6. Whenever manorial documents are transferred to the governing body, they shall cause to be prepared an inventory thereof in the form* set out in the schedule hereto, giving the name of the manor to which they relate and of the person from whom they were transferred, a list of such documents, and the number and dates thereof, and shall forward a copy thereof, together with a report on the condition of the documents to the Deputy-Keeper of the Public Records.

7. The governing body shall cause all manorial documents not in use to be kept in receptacles suitable for their safe and proper preservation, and shall comply with such directions in relation thereto as the Master of the Rolls shall from time to time give.

8. Except with the consent of the Master of the Rolls the governing body shall not permit any manorial document to pass out of their custody.

9. Whenever requested by the lord of the manor or the Master of the Rolls the governing body shall produce manorial documents to him or in accordance with his directions.

10. During reasonable hours the governing body shall give inspection of Court rolls to any person interested in land enfranchised by the Law of Property Act, 1922, or under the Copyhold Act, 1841, (*a*) or the Copyhold Act, 1894, (*b*) on payment of the fees authorised by those Acts.

* Forms for this purpose can be obtained by applying to the Deputy Keeper of the Public Records, Public Record Office, Chancery Lane, W.C. 2.

(*a*) 4–5 V. c. 35.

(*b*) 57–8 V. c. 46.

11. Except with the consent of the lord of the manor or the Master of the Rolls the governing body shall not permit or suffer any person other than those referred to in Rules 9 and 10 to inspect or make copies of any manorial documents.

12. The governing body shall not allow manorial documents to be inspected or copied except under the supervision of some responsible person.

ERNEST M. POLLOCK, M.R.

SCHEDULE.

COUNTY. PARISH. MANOR.

Inventory of manorial documents relating to the above manor

Received from

and deposited by direction of the Master of the Rolls at

Signature of librarian or custodian

Date

Nature of Document.	Remarks on Condition, etc.	Dates.

Parochial Libraries Act, 1708.[1]
(7 Anne, c. 14.)

This statute was something of a pioneer among the public libraries Acts, being the first to make provision for the maintenance and preservation of some of the libraries existing at the time. It is difficult to see what was its real effect except, perhaps, to provide local clergy with facilities for study. However, it is still on the statute book, not having yet been repealed or amended.

In addition to the preamble there are eleven sections, but as it is of no practical use in the present day, only a summary of these sections, apart from the title and the preamble, is given here.

An Act for the better Preservation of Parochial Libraries in that Part of Great Britain called England.

Whereas in many Places in the South Parts of Great Britain called England and Wales, the Provision for the Clergy is so mean, that the necessary Expence of Books for the better Prosecution of their studies cannot be defrayed by them; and whereas of late Years, several charitable and well-disposed persons have by charitable Contributions erected Libraries within several Parishes and Districts in England and Wales; but some Provision is wanting to preserve the same, and such others as shall be provided in the same Manner, from Embezilment.

Section one sets out that " where such a library is or shall be erected the same shall be preserved for such use and uses as is and shall be given, and the orders and rules of the founder or founders of such libraries shall be observed and kept." By section two, every " Incumbent, Rector, Vicar, Minister, or Curate of a Parish " is required to give security before making use of the library. He is empowered, by this section, to bring an " Action of Trover and Conversion " for the return of any book or books unlawfully removed, " whereupon treble damages shall be given, with full cost of suit, . . . which damages shall be applied to the use and benefit of the library."

(1) Short title given by the Short Titles Act, 1896.

The Ordinaries of the Church are entitled, by section three, to have free access to the library at all times, and they may, from time to time, enquire into the state and condition of the said libraries and to amend and redress the grievances and defects.

Sections four and five make provision for catalogues to be prepared and maintained. Every new incumbent is obliged, within six months of his installation, to make a new catalogue of the books, which must be duly signed by him, thus acknowledging the custody and possession of the books. It is also enacted that where there are parochial libraries already established, the incumbent shall, in like manner, prepare and sign a catalogue of the books, which must be delivered to the Ordinaries.

Upon the death or removal of the incumbent the church wardens shall immediately lock the library to prevent embezzlement of the books, and the library shall remain closed until the new incumbent be installed (section six); where, however, the library has been used for public meetings connected with the parish, it may be used as formally, but otherwise it must remain locked (section seven).

Section eight requires the incumbent to enter into a book, provided specially for the purpose, a record of all benefactions to the library. The Church Ordinaries are empowered, by section nine, to make such rules and orders "for the better governing the said libraries and preserving the same." It is also required that these rules and orders shall be entered, from time to time, in the benefactions book or some other book prepared for that purpose.

None of the books belonging to such libraries shall, in any case, be alienable (section ten), and in the event of any book being lost or taken "it shall and may be lawful to and for any Justice of Peace within the County, Riding or Division, to grant his warrant to search for the same."

Section eleven is a proviso that nothing in the act is to extend to a "Publick Library lately erected in the Parish of Ryegate, in the County of Surrey."

PART III.

LEGISLATION GOVERNING THE "COPYRIGHT LIBRARIES."

The "Copyright Libraries."

Certain libraries are entitled, by Act of Parliament, to receive copies of every book published in the United Kingdom. This privilege is granted under the following Acts and Statutory Rules & Orders :—The Copyright Act, 1911 (1 & 2 Geo. 5. c. 46, ss. 15, 29 (1) (iii), 32 (2), 33 & 34); the Copyright (British Museum) Act, 1915 (5 & 6 Geo. 5. c. 38); the British Museum (Delivery of Books) Regulations, 1915 (S. R. O. 1915, No. 775); and the National Library of Wales (Delivery of Books) Regulations, 1924 (S. R. O. 1924, No. 400).

COPYRIGHT ACT, 1911, as amended by the Copyright (British Museum) Act, 1915.

15.—(1) The publisher of every book[1] published in the United Kingdom shall, within one month after the publication,[2] deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

["Provided that the Board of Trade may, on the application of the Trustees of the British Museum, make regulations[3] excepting from the provisions of this subsection publications wholly or mainly in the nature of trade advertisements, or such classes of such publications as may be specified in the regulations, and thereupon it shall not be necessary for the publisher of any publication so excepted so to deliver the publication or for the trustees to give a receipt therefor, unless, as respects any particular publication, a written demand for the delivery thereof is made by the trustees. Every regulation under this proviso shall be laid before each House of Parliament as soon as may be after it is made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent

(1) For definition of "book" see subs. (7), *post*.
(2) Publication means "the issue of copies of the work to the public" (s. 1 (3)).
(3) See the British Museum (Delivery of Books) Regulations, 1915, *post* p. 120.

twenty-one days on which the House has sat, praying that any such regulation may be annulled, His Majesty in Council may annul the regulation and it shall be thenceforth void, but without prejudice to the validity of anything previously done thereunder before the expiration of such period."][1]

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depot in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the National Library of Scotland,[2] and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales.[3] In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such

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(1) This proviso is added in accordance with the Copyright (British Museum) Act, 1915.

(2) Formerly the Advocates' Library, Edinburgh. See the National Library of Scotland Act, 1925, s. 5 (1) which provides that:—"From and after the appointed day [26th October, 1925], and subject to the provisions of this section, the privilege enjoyed by the Advocates' Library under section fifteen of that Act [the Copyright Act, 1911] . . . shall be amended by the substitution of the words 'the National Library of Scotland' for the words 'the Library of the Faculty of Advocates at Edinburgh' occurring therein."

(3) See subs. (5), *post*.

classes as may be specified in regulations to be made by the Board of Trade.[1]

(6) If a publisher fails to comply with this section, he shall be liable, on summary conviction, to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto.

29.—(1) His Majesty may, by Order in Council, direct that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply—

(*a*) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His Majesty's dominions to which this Act extends;

(*b*) to literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or citizens of a foreign country to which the Order relates, in like manner as if the authors were British subjects;

(*c*) in respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends;

and thereupon, subject to the provisions of this part of this Act and of the Order, this Act shall apply accordingly:

Provided that—

(iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order.

(1) See the National Library of Wales (Delivery of Books) Regulations, 1924, *post*, p. 121.

32.—(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

33. Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.[1]

34. There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books :

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.[2]

The British Museum (Delivery of Books) Regulation, 1915.
(S. R. O., 1915, No. 773.)

The Board of Trade on the application of the Trustees of the British Museum, and by virtue of the powers given them by section 1 of the Copyright (British Museum) Act, 1915,[3] hereby make the following Regulation, to come into operation as from the date hereof :—

There shall be excepted from the provisions of section 15 (1) of the Copyright Act, 1911,[3] whereby the publisher of any

(1) Copyright Act, 1775 (15 Geo. iii, c. 53), which is repealed by the present Act. This Act was entitled " An Act for enabling the two universities in England, the four Universities in Scotland, and the several colleges of Eton, Westminster and Winchester, to hold in perpetuity their copyright in books, given or bequeathed to the said universities and colleges, for the advancement of useful learning and other purposes of education . . . " etc., etc. In 1801 Trinity College, Dublin, was added. The result of this section is that these Universities and Colleges are not deprived of any of their existing copyrights, but are prevented from holding any new perpetual copyrights.

(2) The compensation here referred to is that payable under the Copyright Act, 1836 (6 & 7 Will. iv, c. 110) to Sion College, the four Universities of Scotland and the King's Inn, Dublin, for the loss of the right to receive copies of books which they formerly had as " copyright libraries." The privilege was repealed by the Act of 1836 and, although that Act is repealed by the present Act, the compensation paid to these libraries under that Act still continues.

(3) *Ante*, p. 117.

book published in the United Kingdom is required within one month after the publication to deliver, at his own expense, a copy of the book to the Trustees of the British Museum, the following publications, viz. :—

Trade Advertisements,	Trade Labels,
Trade Cards,	Trade Leaflets,
Trade Catalogues,	Trade Plans,
Trade Circulars,	Trade Posters,
Trade Coupons,	Trade Price Lists
Trade Designs,	Trade Prospectuses,
Trade Forms,	Trade Show Cards,

Trade Wrappers.

Dated this 9th day of August, 1915.

The National Library of Wales (Delivery of Books) Regulations, 1924.[1]

(S. R. O., 1924, No. 400.)

The Board of Trade in pursuance of Section 15 (5) of the Copyright Act, 1911,[2] hereby make the following regulations :—

1. These Regulations may be cited as the National Library of Wales (Delivery of Books) Regulations, 1924, and shall come into operation on the 1st day of May, 1924.

2. The books, of which copies are to be delivered to the National Library of Wales in pursuance of Section 15 of the Copyright Act, 1911, shall not include any book of the following classes, viz. :—

Books (other than books written wholly or mainly in Welsh or any other Celtic language, or relating wholly or mainly to the antiquities, language, literature, philology, history, religion, arts, crafts, or industries of the Welsh or other Celtic peoples, or relating wholly or mainly to the natural history of Wales) of which :

(i) The number of copies in the published edition[3] does

(1) These regulations revoke and replace the National Library of Wales (Delivery of Books) Regulations, 1912. The present regulations are the same as those of 1912, but with the addition of the clause " if the published edition has been imported from a foreign country, does not exceed 100," contained in subs. (i) of s. 2.
(2) *Ante*, p. 118.
(3) As to " published edition," see s. 3, *post*.

not exceed 300; or, if the published edition has been imported from a foreign country, does not exceed 100; or

(ii) The number of copies in the published edition does not exceed 400, and the published price of each volume exceeds £5; or

(iii) The number of copies in the published edition does not exceed 600, and the published price of each volume exceeds £10.

3. For the purposes of these regulations the published edition of a book includes all copies of the same work published by the same publisher or his successor in business in a form substantially the same with respect to printing, illustrations and general condition.

The National Library of Wales (Delivery of Books) Regulations, 1912,[1] are hereby revoked.

Dated this 7th day of April, 1924.

(1) S. R. O., 1912, No. 635.

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(1) Command paper No. Cmd. 2868, of 1927, price 6s. net.

Rules and Regulations.

Draft Code of Rules and Regulations for Public Libraries in the London and Home Counties Area as adopted by the London and Home Counties Branch of the Library Association at Sion College, 25th April, 1928. [Reprinted by the courtesy of the Library Association.]

GENERAL.

1. In the construction of these Rules and Regulations :—

(*a*) " Library " means any and every Library, and the several rooms, offices, passages, staircases, entrances and exits forming part of the premises and adjacent thereto, established by the Library Authority under the provisions of the Public Libraries Acts, 1892–1919, or any other statutory modification thereof;

(*b*) " Book " means any and every book, periodical, newspaper, pamphlet, picture, print, photograph, map, chart, plan or manuscript, or any other article of a like nature forming part of the contents of the Library;

(*c*) " Authority " means the ..... Council of ..... (or its Library Committee), being the Authority for administering the Public Libraries Acts within the said .....; and " Librarian " means the ..... Librarian of the said ..... or in his absence any Assistant in charge.

2. The Librarian shall have the general charge of the Library, and shall be responsible for the safe keeping of the books and of all other property belonging thereto.

3. The Departments of the Libraries/Library shall be open on such days and at such hours as the Authority may from time to time determine.

NOTE.—These times are notified in the respective Departments.

LENDING LIBRARIES.

Qualification of Readers—Readers' Tickets.

4. Books may be borrowed for home reading by persons qualified or qualifying as under :—

(*a*) Ratepayers of the Borough of .....
(i) whose names appear on the current Register of Electors of the Borough, or (ii) who shall produce a receipt for current Borough rates or other satisfactory evidence of ratepaying qualification, may borrow books on their own responsibility, after signing the application form provided for the purpose.

(*b*) Other residents and non-resident employees, and persons attending educational institutions in the Borough, over 14 years of age, may borrow books but must first obtain a recommendation from a duly qualified person as defined in (*a*) above, whose liability shall not exceed the sum of Two Pounds, and must sign the application form provided for the purpose.

NOTE.—For persons under 14 years of age, see Rule 16.

(*c*) Any person resident or employed in the Borough, unable or not desiring to obtain the recommendation of a qualified person as defined in (*a*) above, may borrow books on leaving a deposit of[1] ..... with the Librarian.

(*d*) Persons other than those duly qualified under (*a*) and (*b*) above may be granted the privilege of borrowing books on paying an annual subscription of[1] ..... and obtaining a recommendation from a duly qualified person as defined in (*a*) above (or in lieu of this recommendation by paying a deposit of [1].....). Such borrowers must conform to all the rules of the Libraries/Library, and shall have no privileges other than those possessed by the other borrowers.

(1) The Committee recommend that these sums should in no case exceed 10*s*.

5. Applications for tickets must be made on the form provided for the purpose, and the signing of the form will be regarded as an assent to these Rules and Regulations. Tickets are not transferable, and the loss of a ticket, or a change of address, must be notified at once.

6. Any duly enrolled borrower may obtain, in addition to an Ordinary Ticket available for all classes of literature, an Extra Ticket available for all classes of literature save prose fiction. Further extra tickets may be issued at the discretion of the Libraries Committee.

CONDITIONS OF ISSUE AND USE OF BOOKS.

7. The time allowed for reading books is fourteen days, excluding the day of issue; but the time may be extended for a further period of fourteen days, dating from the day of intimation, on notice being given either personally or in writing to the Librarian, provided that the book is not required by another borrower. Borrowers detaining books beyond fourteen days unless extension has been granted, shall be liable to a fine of one penny per week or portion of a week for each book so detained.

8. Only registered borrowers engaged in changing books shall have the right of access to the Lending Library(ies), but their representatives may be admitted at the discretion of the Librarian. Handbags, baskets, etc., must be left at the counter if required.

9. Returned books shall be delivered into the hands of an officer of the Library, and if on examination are found to have sustained any damage, the borrower or guarantor shall be called upon to pay the amount of the damage or to replace the book or series to which it belongs by a new copy of equal value.

10. Readers may have a particular book reserved for them on its return to the Library by notifying the Librarian and paying the cost of posting an intimation that it is available.[1]

11. No person shall take out of any Library any book for use in any house in which there is a person suffering from infectious disease, and no person shall return to any such

(1) The question as to whether only non-fictional books may be reserved or whether the privilege shall be extended to all books in the Lending Library is left to the decision of individual Authorities.

Library any book which has been exposed to infection from any infectious disease, but shall at once give notice to the Medical Officer of Health and leave the book at the office of the Medical Officer of Health, or hand it over to any Sanitary Inspector acting on his behalf, who shall cause the same to be disinfected or destroyed. Readers not complying with this Regulation are liable under the Public Health (London) Act, 1891, section 68, to a penalty not exceeding Five Pounds.[1]

REFERENCE LIBRARIES.

12. Any person over the age of 14, and such others as the Librarian may permit, can use the Reference Library(ies). No reader's tickets are required .

13. No books, maps, manuscripts or other articles may be taken out of the Reference Library(ies), and it is forbidden to write or make any marks upon them. Tracing and the use of ink is forbidden except by permission of the Librarian.

READING ROOMS.

(*Periodicals Rooms.*)

14. No persons under 14 years of age are allowed to use these rooms, except by permission of the Librarian or his assistants.

15. No newspaper or magazine shall be retained longer than ten minutes after it has been enquired for by another reader.

JUNIOR LIBRARIES.

(*Children's Rooms.*)

16. The Children's Reading Room(s) and Lending Library(ies) are free to every boy or girl of school age residing in or attending day schools in..... on obtaining a recommendation from their parents, guardians or school teachers.

(1) According to the Public Health Acts Amendment Act, 1907, s. 59 (5), *ante*, p. 107, the penalty shall not exceed forty shillings.

DRAFT CODE OF BYELAWS.

Important.—It must be clearly understood that the following set of Byelaws is merely the provisional draft submitted by the Library Association to the Board of Education. At the time of going to press the Board had neither allowed nor disallowed these byelaws, they being still under consideration. The following, therefore, may not represent the Code as it will ultimately appear, duly approved by the Library Association and allowed by the Board of Education, but it is re-printed, by the kind permission of the Library Association, as indicating broadly the lines upon which other sets of byelaws might be drafted.

BYELAWS made under Section 3 of the Public Libraries Act, 1901, by the

Insert : "Mayor, Aldermen and Burgesses of the Borough of acting by the Council"; *or* (in London) "Mayor, Aldermen and Councillors of the Metropolitan Borough of "; *or* "Urban District (*or* Parish) Council of "; *or* "Joint Committee appointed by the Town Council *or* Urban District Council *or* Parish Council of and the Town Council *or* Parish Council of "; *or* "Commissioners for Public Libraries and Museums for the Parish of "; *or County Council of* (hereinafter referred to as the Library Authority.)

At a meeting of the duly convened and held at on the day of 19 .

In the construction of these Byelaws :

(*a*) "Library" means any and every Library, and the several rooms, offices, passages, staircases, entrances and exits forming part thereof and adjacent thereto, established by the Library Authority under the provisions of the Public Libraries Acts, 1892–1919, or any other statutory modification thereof.

(*b*) "Book" means any and every book, periodical, newspaper, pamphlet, picture, print, photograph, map, chart, plan or manuscript, or any other article of a like nature forming part of the contents of the Library.

(1) A person shall not engage in audible conversation in any reading-room in the Library.

(2) A person shall not wilfully obstruct any officer or servant of the Library Authority in the execution of his duty or wilfully disturb, interrupt or annoy any other person in the proper use of the Library.

(3) A person shall not cause or allow any dog or other animal belonging to him or under his control to enter or remain in the Library, or bring into any part of the Library a bicycle or other wheeled vehicle or conveyance.

(4) A person, other than an officer or servant of the Library Authority, shall not enter or remain in any part of the Library, not set apart for the use of the public.

(5) A person shall not light any match, or smoke tobacco or any like substance in any part of the Library.

(6) A person shall not carelessly or negligently damage, soil, deface, write on, injure or destroy any of the books, periodical publications or other property of the Library.

(7) A person, other than an officer of the Library Authority, shall not offer anything for sale in the Library, nor affix or post any bill, placard or notice to or upon any part of the Library.

(8) A person who is offensively unclean in person or in dress, or who is suffering from an offensive disease shall not enter or use the Library.

(9) A person shall not lie on the benches, chairs, tables or floor in or of the library.

(10) A person shall not partake of refreshment in the Library.

(11) A person shall not give a false name or address for the purpose of entering any part of the library, or obtaining any privilege therefrom.

(12) A person shall not make a tracing of any portion of any book without the permission of the Librarian.

(13) A person, other than an officer or servant of the Library Authority, shall not take any book from any lending or home-reading department of the library, unless it has been stamped and issued to that person by the assistant on duty at the counter.

(14) A person, other than an officer or servant of the Library Authority, shall not take any book from any reference department or reading room of the library.

(15) Every person who shall offend against any of the foregoing Byelaws shall be liable for a first offence to a penalty of Two pounds, and for a second and each subsequent offence Five pounds. Provided, nevertheless, that the Court of Summary Jurisdiction, before whom any proceedings may be taken in respect of any such offence, may, if the Court think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this Byelaw.

(16) Every person who shall commit any offence against the Libraries Offences Act, 1898, or against any of the foregoing Byelaws, may be excluded or removed from the Library by any officer or servant of the Library Authority in any one of the several cases hereinafter specified, that is to say :—

(i) Where the offence is committed within the view of such officer or servant, and the name and residence of the person committing the offence are unknown to and cannot readily be ascertained and verified by such officer or servant.

(ii) Where the offence is committed within the view of such officer or servant and from the nature of such offence, or from any other fact of which such officer or servant may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the Library of the person committing the offence may result in another offence against the Act or against the Byelaws, or that the exclusion or removal of such person from the library is otherwise necessary as a security for the proper use and regulation thereof.

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